

COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
STATE WATER CONTROL BOARD

IN RE: INFORMATIONAL BRIEFING/PUBLIC HEARING

HEARD BEFORE: HEATHER WOOD

CHAIR, STATE WATER CONTROL BOARD

IN RE: VWP INDIVIDUAL PERMIT NO. 19-2036, PROPOSED  
WEGMANS DISTRIBUTION CENTER, HANOVER COUNTY, VIRGINIA

NOVEMBER 19, 2020

HOSTED BY: DEQ PIEDMONT REGIONAL OFFICE

4949-A COX ROAD

GLEN ALLEN, VIRGINIA

6:00 P.M.

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1 APPEARANCES:

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3 Chair, State Water Control Board

4 DEQ STAFF:

5 Jaime Robb\*  
6 VWP Manager

7 Marilee Tretina\*  
8 Office of Training Services

9 Kevin Vaughan\*  
10 Piedmont Office

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24  
25 \*Board member and staff remote participation.

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\*\*All public comments were offered via GoToWebinar.

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\*\*All public comments were offered via GoToWebinar.

1           (The virtual public informational briefing  
2 commenced at 6:00 p.m., and the presentation  
3 commenced as follows:)

4  
5           MS. TRETINA: Good evening.  
6 Welcome to the Virginia Department of  
7 Environmental Quality virtual public hearing  
8 for the Wegmans Distribution Center draft  
9 VWP permit.

10           Before we get started with the  
11 briefing portion, which runs from 6:00 to  
12 6:45 tonight, we'll just go over the  
13 logistics of using the webinar.

14           You can see on your screen  
15 that you've got the control devices for a PC  
16 and two mobile devices, Android and iPhone.  
17 During the briefing, you'll be able to ask  
18 questions.

19           So if you have questions  
20 during the briefing, they'll be answered at  
21 the end, you can write it in the questions  
22 portion of the -- of the control panel. You  
23 can see that clearly on the PC view. And  
24 then on the Android and iPhone, you just  
25 click the question to answer your question.

1 Attendees are muted during the portion --  
2 the briefing portion of the webinar tonight.  
3 After the briefing portion, the questions  
4 option is turned off as all public comments  
5 during the public hearing will be verbal.  
6 So now, I'll turn it over to Jaime Robb who  
7 will give you the briefing.

8  
9 MS. ROBB: Thank you, Marilee.  
10 Good evening, everyone. Just want to thank  
11 you for joining us tonight. My name is  
12 Jaime Robb and I'm the Virginia Water  
13 Protection, or VWP, permit manager at DEQ's  
14 Piedmont Regional Office.

15 We're here tonight to discuss  
16 the proposed VWP permit No. 19-2036, Wegmans  
17 Distribution Center located in Hanover  
18 County.

19 Assisting me this evening with  
20 conducting this webinar and hearing is  
21 Marilee Tretina with the Office of Training  
22 Services. Also, Heather Wood -- Chair of  
23 the State Water Control Board -- will be  
24 acting as our hearing officer. So before I  
25 get started, I'd like to mention just a few

1 logistics. DEQ is holding tonight's  
2 proceedings as an electronic meeting in  
3 compliance with Item 4-0.01G of Chapter 1289  
4 of the 2020 Acts of the Assembly as a result  
5 of the declaration of the State of Emergency  
6 due to COVID-19 on March 12th, Executive  
7 Order 51 and subsequent orders 53 and 55.

8 And in keeping with Governor  
9 Northam's temporary restrictions and  
10 directions to stay at home, this public  
11 hearing is being held via electronic  
12 communication through GoToWebinar.

13 At the bottom of each slide,  
14 you will notice that there is a phone  
15 number, name and email address for staff  
16 that you can contact if you're having  
17 difficulties.

18 So tonight's proceedings are  
19 broken into two parts. The first portion  
20 will be an informational briefing where I'll  
21 present information regarding the VWP  
22 program and the draft permit, and answer  
23 questions regarding both. As Marilee  
24 mentioned, questions can be typed into the  
25 question box of the webinar system. And we

1 will answer those at the end of the  
2 presentation. This will last until 6:45.  
3 No public comments are accepted during the  
4 informational briefing.

5 Comments, as part of the  
6 official comment period, must be made during  
7 the public hearing which will be called to  
8 order at 7:00 p.m., by the hearing officer.

9 Please note that during the  
10 public hearing that begins at 7:00, staff  
11 will not be responding to comments. If you  
12 wish to ask a question during the briefing,  
13 as I mentioned, please type that in the  
14 question box.

15 And that is, again, only for  
16 the first portion of tonight's proceedings  
17 from 6:00 to 6:45. We will now get started.  
18 So what the hearing -- let's see. Again,  
19 the public comments will only be received at  
20 7:00 p.m.

21 This is an opportunity for us  
22 to describe the project, answer questions.  
23 And I just wanted to note that a decision  
24 regarding this permit will be made at a  
25 future meeting of the State Water Control



1 Board. And no decision will be made during  
2 either portion of tonight's proceedings. So  
3 first off, I wanted to talk briefly about  
4 those activities that are typically  
5 regulated under a VWP permit or by the VWP  
6 program.

7 And those are activities that  
8 cause significant alteration or degradation  
9 of surface water function or wetland acreage  
10 and function. And these typical activities  
11 including dredging, excavating, filling,  
12 draining, impoundment, installation of  
13 culverts and bridges and channelization.

14 Additionally, I just thought I  
15 would mention that there are several  
16 activities that -- or a lot of activities  
17 that are not regulated under the VWP  
18 program.

19 And those activities are  
20 specific to zoning, noise, Chesapeake Bay  
21 Preservation Act and resource protection  
22 areas, traffic, public safety and  
23 aesthetics. As many of you are aware, this  
24 is the second public hearing tonight held by  
25 DEQ for this project. DEQ originally

1 received the application for the proposed  
2 Wegmans Distribution Center, originally  
3 called Project Tiger, in December 2019.

4 After initial review of the  
5 application, DEQ requested and the applicant  
6 provided additional information on several  
7 occasions. Information was submitted by the  
8 applicant through March of 2020.

9 A 30-day comment period was  
10 held beginning at the end of March and  
11 concluding on April 30th. Upon review of  
12 those comments and due to significant public  
13 interest in the project, a public hearing on  
14 the project was held in July, which also  
15 included a second comment period.

16 At the conclusion of the  
17 second comment period, DEQ requested  
18 additional information from the US Army  
19 Corps of Engineers regarding their previous  
20 jurisdictional surface water determination  
21 for the applicant's preferred site.

22 The Corps conducted additional  
23 field work at the site in August and issued  
24 a revised jurisdictional surface water  
25 determination in September. The

1 determination identified an increase in  
2 surface water onsite and, as a result, the  
3 applicant submitted updated application  
4 materials to DEQ in September and October.

5 DEQ has reviewed the updated  
6 information, including the proposed surface  
7 water impacts and additional information on  
8 off-site alternatives considered by the  
9 applicant.

10 Based on the updated  
11 information, DEQ has revised the draft  
12 permit and placed it out for public comment.  
13 The current comment period begins on October  
14 20th and will end -- or began on October  
15 20th and will end on December 4.

16 In accordance with regulatory  
17 requirements, an applicant must identify the  
18 purpose and needs for their project as part  
19 of their application.

20 In this case, for the Wegmans  
21 Distribution Center, the applicant  
22 identified the purpose of the project to  
23 construct a regional grocery distribution  
24 center that will serve existing retail  
25 locations, relieve transportation burdens

1 from existing supply centers and provide a  
2 base of support to serve future retail  
3 locations in the Mid-Atlantic region.

4 The applicant explained that  
5 the need for the project is to develop a new  
6 regional distribution center, centrally  
7 located, to accommodate existing and  
8 proposed retail locations in the  
9 Mid-Atlantic region in a logistically and  
10 responsible cost-efficient manner.

11 The applicant's proposal is to  
12 construct a 1.7M square-foot distribution  
13 center at the intersection of Sliding Hill  
14 and Ashcake Roads that will include a dry  
15 warehouse, refrigerated warehouse, return  
16 center, food manufacturing facility, office  
17 space and parking area.

18 Support facilities that will  
19 be constructed include stormwater management  
20 practices, parking and staging areas for  
21 tractor trailers and support buildings for  
22 fleet maintenance, dispatch and security.  
23 VWP applications reviewed by DEQ can be  
24 broken into three main parts. First, DEQ  
25 reviews the -- that the applicant has

1        avoided and minimized impacts to the maximum  
2        extent practicable. This is done through  
3        the review of the application submittal of  
4        alternative analysis, both onsite and  
5        offsite, to determine the project's least  
6        environmentally damaging practical  
7        alternative, or LEDPA, in light of the  
8        overall project purpose.

9                The second component of the  
10       review includes verification that the  
11       applicant is proposing compensation for  
12       unavoidable impacts.

13               And that that compensation  
14       meets the requirements of the State Water  
15       Control law and the VWP regulations. And  
16       then lastly, DEQ coordinates review of the  
17       project with other State agencies to insure  
18       that no significant impairments to State  
19       waters or fish and wildlife resources will  
20       occur.

21               The VWP program permit  
22       regulation requires the application include  
23       an alternative analysis that details the  
24       site-specific -- both onsite and offsite --  
25       measures taken during project design and

1 development to first avoid and then minimize  
2 impacts to surface water to the maximum  
3 extent practicable.

4 An alternative is considered  
5 practicable if it is available and capable  
6 of being done and taking into consideration  
7 the cost, existing technology and logistics  
8 in light of the overall project purposes.

9 So there's three criteria in  
10 determining the least environmentally  
11 damaging practical alternative. We look at  
12 surface water impacts, but we also look at  
13 the practicability associated with the  
14 costs, technology and logistics.

15 And this is done both on  
16 offsite alternatives and onsite avoidance  
17 and minimization. According to the  
18 application materials, the applicant focused  
19 their site selection in Hanover County due  
20 to the proximity of Interstate 95 in order  
21 to efficiently serve existing, planned --  
22 and planned retail stores from Northern  
23 Virginia to North Carolina, with the  
24 majority of those stores being located in  
25 Northern Virginia. The applicant has stated

1       that the location of the distribution center  
2       in Hanover serves to decrease distance, time  
3       and costs associated with the transportation  
4       to retail stores in those areas and  
5       minimizes damage and loss of product due to  
6       transportation problems.

7               The applicant identified five  
8       sites in Hanover, including the preferred  
9       site. And DEQ reviewed the application  
10      materials to determine if the preferred site  
11      met the least environmentally damaging  
12      practical alternatives.

13             Each site was evaluated again,  
14      keeping in mind the applicant's stated need  
15      and purpose of the project, the extent of  
16      surface waters, impacts onsite and whether  
17      logistical, economical or technological  
18      challenges existed associated with  
19      construction of such site.

20             For purposes of onsite  
21      avoidance and minimization, the applicant  
22      proposed to implement best industry  
23      standards to minimize the footprint  
24      including cross docking, an L-shaped campus  
25      and flow through selection techniques. They

1       also proposed utility crossings be paired  
2       with road crossings to minimize impacts.  
3       Road crossings would be placed perpendicular  
4       to surface waters and cross at the narrowest  
5       point feasible. Culvert pipes at proposed  
6       road crossings to maintain flows.

7               Roadways, buildings and  
8       stormwater management facilities are  
9       proposed to avoid lateral impacts where  
10      feasible.

11              During the application review  
12      process, DEQ inquired as to whether impacts  
13      could be further minimized by reducing  
14      parking areas or by adding vertical levels  
15      to the distribution center.

16              Reduction in employee parking  
17      was not feasible due to the need for  
18      adequate parking for shift changes. Adding  
19      vertical levels to the facility was deemed  
20      not feasible based on proposed building  
21      heights being near maximum allowable heights  
22      and local zoning regulations. Additionally,  
23      according to the applicant, the proposed  
24      configuration is considered the most  
25      efficient based on review of other large



1 scale distribution facilities in the  
2 industry. Using a different layout could  
3 mean a less efficient operation and a larger  
4 footprint, and potentially more impacts  
5 onsite.

6 The amount of surface waters  
7 onsite that potentially will be avoided is  
8 at 15 acres based on the surface water  
9 determination.

10 After reviewing the four  
11 alternative sites and the applicant's  
12 proposed preferred site, and taking into  
13 account the cost, logistics and technology  
14 associated with construction in light of the  
15 applicant's stated purpose and need, DEQ  
16 determined the preferred site did meet the  
17 least environmentally damaging practical  
18 alternative based on the application.

19 To insure the goal of no net  
20 loss of surface water and function and  
21 wetland acreage and function are met, State  
22 Water Control law requires compensatory  
23 mitigation for those impacts that can not be  
24 avoided. This is usually accomplished by  
25 the applicant through the purchase of

1 wetland mitigation credits or contributing  
2 to an approved inland fee program, which is  
3 DEQ's preferred option of mitigation. Here  
4 on your screen, you see a table that  
5 summarizes the impacts from the proposed  
6 project.

7 As a total impacts proposed at  
8 the preferred is 14.85 acres. This includes  
9 permitted impacts to forested wetlands and  
10 emergent wetlands as well as jurisdictional  
11 ditches.

12 There are also proposed  
13 secondary impacts associated with the  
14 project to forested wetlands and a  
15 jurisdictional ditch.

16 And lastly, temporary emergent  
17 wetland impacts associated with utilities.  
18 The next column over shows the mitigation  
19 ratio and ultimately the required mitigation  
20 wetland credit purchase that'll be necessary  
21 for the project.

22 And as you can see, the total  
23 wetland credit purchase required by the  
24 permit will be 29.41 credits. The applicant  
25 has proposed to purchase credits from a

1 mitigation bank to fulfill the requirements.  
2 State Water Control law and the proposed  
3 permit requires the mitigation banks be used  
4 in the same hydrologic unit code as the  
5 project, or an adjacent hydrologic unit code  
6 and in the same watershed as the project  
7 site.

8 The applicant has provided a  
9 wetland credit availability letter from the  
10 New Kent Environmental Bank. The proposed  
11 mitigation plan complies with the  
12 requirements of State law.

13 The last major component of  
14 review includes -- insures that there's no  
15 significant impairment to State waters or  
16 fish and wildlife resources from a project.

17 To accomplish this, DEQ  
18 coordinates with the Virginia Department of  
19 Conservation and Recreation, the Department  
20 of Wildlife Resources -- formerly called  
21 DGIF -- and the Virginia Department of  
22 Health and Virginia Marine Resource  
23 Commission. Information regarding the  
24 project's location, activities and impact  
25 are provided to these agencies for review

1       when the application is received from DEQ --  
2       by DEQ. Additionally, coordination with  
3       federal agencies and the Virginia Department  
4       of Historic Resources is performed through  
5       the US Army Corps of Engineers permitting  
6       process.

7                     And just as a -- a  
8       clarification, as far as the State  
9       coordination is concerned -- because of the  
10      increase in impacts associated with this  
11      site, DEQ did initiate coordination with the  
12      Department of Wildlife Resources and the  
13      Department of Conservation and Recreation in  
14      light of the overall increase in impacts  
15      based on the information we received in  
16      September.

17                    So as part of the application,  
18      the applicant is required to provide a final  
19      impacts map. The impact map that you're  
20      seeing right now on your screen is that  
21      final map.

22                    There have been several  
23      iterations of this map since December, and  
24      also since the updated information has been  
25      received in -- in September and October.

1 For purposes of orientation, Egypt Road is  
2 located on the left side of the map, Sliding  
3 Hill Road is on the right side of the map.  
4 Ashcake borders the project at the top.

5 And the impact -- impact map  
6 reflects the most recent Corps  
7 jurisdictional determination that was issued  
8 in September. The permit will contain  
9 conditions that limit the amount of impacts  
10 onsite.

11 It will require and define the  
12 amount of compensatory mitigation. It will  
13 require implementation of erosion and  
14 sediment and stormwater controls. And it  
15 will require that work be conducted in the  
16 dry.

17 Additionally, the permit  
18 includes monitoring for remaining onsite  
19 surface waters and is limited to a term of  
20 15 years.

21 Next step in the application  
22 review and permitting process, so right now  
23 we have an active comment period that will  
24 close on December 4th. We will assess all  
25 comments at the end of that comment period,

1       whether they are received in writing or  
2       verbally here tonight. And verbal and  
3       written comments are -- are all given the  
4       same consideration.

5               Staff will then prepare a  
6       response to comments and they will revise  
7       the draft permit in light of comments if  
8       appropriate.

9               Next, staff will present the  
10      project to the State Water Control Board and  
11      make a recommendation to approve or deny the  
12      permit.

13              Anyone participating by  
14      providing written comments or speaking  
15      during the hearing tonight can respond to  
16      staff summary when it is presented to the  
17      State Water Control Board.

18              The State Water Control Board  
19      will be the one to render a final decision  
20      and they can either issue the permit, issue  
21      the permit with modifications or deny the  
22      permit. And as of right now, the State  
23      Water Control Board meeting, to which this  
24      project will be on the agenda, it has not  
25      been determined. I know that some folks

1 have been concerned that perhaps this would  
2 be going to the Board in their December 2020  
3 meeting, and this permit is not on their  
4 agenda for December 2020.

5 So it is a future date that  
6 will be determined. And the Board, by law,  
7 is required to take up the matter within 90  
8 days of the close of the comment period.

9 And the schedule for the 2020  
10 Board has not been established. And once it  
11 is established, it will be announced on the  
12 Regulatory Townhall.

13 And just for a reminder for  
14 anyone that may have joined us late and for  
15 everyone else, the official hearing begins  
16 at 7:00. Until 6:45, DEQ will take  
17 questions.

18 And if you would like to make  
19 official comments for the record, that needs  
20 to be done during the hearing at 7:00 p.m.,  
21 or they can be submitted in writing to DEQ.

22 And finally, the comment slide  
23 here, you can address the comments to me.  
24 You can email those. You can deliver them  
25 by hand or submit them through the US Postal

1 Service to our Piedmont Regional Office.  
2 Anything sent through the mail needs to be  
3 received by 5:00 p.m., on December the 4th.  
4 Emailed comments can be received up until  
5 11:59 p.m., on the 4th.

6 So that is the presentation  
7 for tonight for our public briefing. I am  
8 going to go to take a look at some of our  
9 questions. And bear with me just a minute.  
10 I'm undocking so I can take a look at what  
11 we've got here.

12 So first question was whether  
13 or not the Board would be considering this  
14 permit on the 9th. And as I just explained,  
15 they will not. This is not on their agenda  
16 for the 9th.

17 Next question, was the  
18 discrepancy in the wetlands found during the  
19 recent review which was limited only to  
20 review in the mosaics, should this trigger a  
21 review of the entire site to determine the  
22 full wetland impact. And -- so as far as  
23 the delineation and the confirmation of  
24 State waters is concerned, it's our policy  
25 at DEQ -- for permitting decisions -- that



1 we rely on the Corps' confirmation. State  
2 Water Control law requires that we use the  
3 Corps' reference materials and that we  
4 insure that we're consistent with the  
5 implementation practices that the Corps  
6 employs.

7 So when there's questions  
8 regarding a jurisdictional determination,  
9 those are referred to the Corps just like  
10 they were last summer when questions were  
11 raised during the previous comment period.  
12 So DEQ will review comments regarding the  
13 jurisdictional determination.

14 And if additional information  
15 is needed, we'll follow up with the Corps.  
16 Let's see here. What is the estimated  
17 compensation cost under the current project  
18 site plan? I don't have that right off in  
19 front of me.

20 I would be glad to provide  
21 that if you'd send me an email after our  
22 proceedings tonight and I can get you that  
23 information. Additionally, I believe it is  
24 in the application materials that is  
25 available on our web site. And the

1 information regarding this project can be  
2 found at [www.deq.virginia.gov/wegmans](http://www.deq.virginia.gov/wegmans). And the application materials  
3 as well as the jurisdictional determination  
4 and supporting documentation for that, the  
5 draft permit, the fact sheet, all of that  
6 information is posted on our web site.  
7

8 There's a question, when did  
9 Hanover County board approve this project?  
10 It's my understanding that the Board  
11 approved the project in May. But that is  
12 not part of our consideration.

13 That is -- that's a separate  
14 process. So you would need to confirm that  
15 with the County. But I think that that's  
16 when that occurred.

17 Data Point 2, I believe Data  
18 Point 2 is addressed in the Corps' technical  
19 memorandum that supports the revised PJD.  
20 So information regarding Data Point 2, I  
21 would -- I would look to that.

22 Again, that's posted on our  
23 web site. Why did the Board not take a vote  
24 within 90 days after the initial public  
25 comment period? So the -- because we went

1 back and asked for additional information  
2 from the applicant and from the Corps, that  
3 is why it was not forwarded to the Board at  
4 that time.

5 What independent verification  
6 of wetland delineation, alternatives  
7 analysis and practicality for purposes of  
8 the LEDPA analysis.

9 So -- I mean, there is a  
10 certain amount of reliance on the  
11 application materials provided by the  
12 applicant.

13 We do verify the -- verify the  
14 impacts that are proposed, the site design,  
15 the impact map matches up with the  
16 confirmation -- surface water confirmation  
17 issued by the Corps.

18 We ask questions of the  
19 applicant. So it -- it's not a blind  
20 acceptance of what the applicant gives us.  
21 It's a lot of questions.

22 And we ask questions about  
23 site design, we ask questions about further  
24 avoidance and minimization. And get to a  
25 point of where we believe there is

1 reasonable information on the record that  
2 documents and justifies information is  
3 correct in the application. Can you give an  
4 example of when DEQ has denied a permit and  
5 what stipulations surrounded the denial?

6 So typically what happens is  
7 if an application is incomplete or can't be  
8 moved on to permit approval or  
9 recommendation for approval, we do allow the  
10 applicant to provide additional information  
11 until such time that the application can be  
12 approved.

13 Alternatively, the application  
14 can -- can be withdrawn by the applicant.  
15 And typically, if there is a point at which  
16 the applicant is still considered  
17 incomplete, rather than deny the permit an  
18 applicant will -- rather than DEQ deny a  
19 permit, typically the applicant will  
20 withdraw.

21 So given those circumstances,  
22 we don't get into situations very often in  
23 which DEQ has denied a permit. And you  
24 know, quite frankly, we have -- you know --  
25 many programs, many different regional

1 offices. So I can't give you an exact  
2 example of when that may have occurred.  
3 Where did the credits in the New Kent  
4 Environmental Bank come from?

5 So the question is, is it the  
6 same watershed, State of Virginia? Same --  
7 similar wetlands? So yeah, the -- the State  
8 Water Control law does require that the  
9 compensatory mitigation credits be purchased  
10 from a bank that's within the same  
11 hydrologic unit code, sort of a microcosm,  
12 micro-watershed or an adjacent watershed.

13 So in this particular case,  
14 this project is located in the Pamunkey  
15 watershed. And the New Kent Environmental  
16 Bank would also be located in the Pamunkey  
17 watershed.

18 Are those on the Board unaware  
19 of the history of the wetlands being the  
20 burial ground of unmarked slaves of Hanover  
21 County?

22 I am not sure to what extent  
23 the Board is aware of the ongoing -- the  
24 ongoing discussions regarding graves onsite.  
25 Graves -- the Corps -- it is our

1 understanding the Corps is working with  
2 interested parties as well as the Department  
3 of Historic Resources regarding graves  
4 onsite. That is part of the Section 106  
5 review that is done by the Corps.

6 That is not something that is  
7 part of the VWP analysis. And I just --  
8 looking back at the question regarding the  
9 mitigation bank. So I -- I think I  
10 misspoke.

11 I said that in -- New Kent was  
12 in the Pamunkey. That's actually in the  
13 York. So just for clarification there.  
14 Let's see.

15 Why are impacts to the same  
16 site area on Archie Cannon impact map shown  
17 by Wegmans as stream impact. But shown by  
18 Timmons as a wetland impact for Skinnel [sp]  
19 JPA.

20 And I -- just honestly, I can  
21 -- I can look into that. You can submit  
22 that as a comment. I'm not familiar with  
23 that particular JPA. And I can, you know,  
24 further look into that if you'd like to  
25 contact me. It was stated previously that

1       there are no protected wildlife species on  
2       this site, but there are protected wildlife  
3       species on others. All sites are within a  
4       few miles of each other.

5               This doesn't seem likely. Who  
6       determines if there are protected species on  
7       the property? So I think that what was --  
8       what has been documented is that for several  
9       of the sites, there are potentials for  
10      threatened and endangered species within a  
11      few mile radius of those sites.

12             And the way that that's  
13      determined is DCR and DGIF, they have tools  
14      that can be used to basically map a  
15      project's location and then look for hits  
16      within that area.

17             So that's how that's  
18      determined. Additionally, for this specific  
19      project and for the Airpark site, the  
20      information was sent over to both DCR and  
21      DGIF.

22             And they confirmed through a  
23      further review of information that there  
24      were no threatened and endangered species,  
25      you know, potential impacts with this

1 particular site. So question here, were  
2 environmental justice impacts considered  
3 during DEQ's project review process? So,  
4 you know, environmental justice is an  
5 important issue.

6 And right now in the State,  
7 there's a lot of work being done on that.  
8 Last General Assembly session of 2020, there  
9 was legislation passed regarding  
10 environmental justice that became effective  
11 this year.

12 And DEQ takes the matter very  
13 seriously. So when we get word that there  
14 is potential for an environmental justice  
15 concern within a community, then DEQ will do  
16 outreach to the communities to make sure  
17 that that affected community is aware of the  
18 project, is aware of what DEQ is processing  
19 regarding that project to make sure that  
20 they are aware of what DEQ's statutory and  
21 regulatory authorities are.

22 And ultimately, how they can  
23 participate in the process. And so for  
24 Wegmans, we did -- you know -- reach out to  
25 some of the communities leaders of Brown



1       Grove back in the early summer. We had a  
2       conference call explaining those items,  
3       explaining regulatory authorities,  
4       explaining what was -- what was the purpose  
5       of the project, how the community could  
6       participate in the public participation.

7               We have kept those -- the  
8       folks in that community, made sure that  
9       they're on our mailing list. So when you  
10      guys get mailings of hearing notices and  
11      comment notices, you know, those folks get  
12      those, too.

13             So that is how DEQ has handled  
14      that. Would DEQ consider denying a permit  
15      on adverse environmental justice impacts?  
16      So right now, the agency has contracted with  
17      a third party to evaluate our various  
18      environmental regulatory programs and  
19      determine how to -- you know, make  
20      reservations to determine how best to  
21      incorporate environmental justice impacts  
22      into those programs. So that is what is  
23      going on at DEQ right now regarding the  
24      environmental justice. How many people did  
25      you meet with in Brown Grove? Was it the

1 entire community? So I specifically reached  
2 out to Pastor Beechaum and to Charles Moore.  
3 And they rounded up some of the community  
4 members that they felt would be interested  
5 in the project.

6 There were, I think, six or  
7 seven -- maybe a few more -- that were on a  
8 conference call with us and we provided a  
9 presentation. And we have relied on the  
10 community leaders to help us get that word  
11 out.

12 How does the third party  
13 review of environmental justice issues  
14 impact this particular project? So you  
15 know, we're -- we're looking at  
16 recommendations from -- from that third  
17 party review to determine exactly what it  
18 means for this project.

19 Why was the project not  
20 reviewed by Governor Northam's Council on  
21 Environmental Justice? So the Virginia EJ  
22 council that was formed by the Governor's  
23 Office, they were actually charged with  
24 looking at EJ on a more systemic scale  
25 across all State agency programs and

1 regulatory programs, regulations, laws, all  
2 of that. So they are not involved  
3 intimately one-on-one with projects, but are  
4 looking to -- to provide recommendations to  
5 the governor to better implement EJ through  
6 the State system as a whole.

7 Will the third party that DEQ  
8 hired regarding EJ recommendations be  
9 reviewing this project approval? No, they  
10 are not.

11 Again, similar to how the  
12 Virginia EJ Council is giving  
13 recommendations to the governor more on a  
14 high level, high scale basis, the third  
15 party evaluation is looking at, you know,  
16 DEQ's programs as -- as a whole and making  
17 recommendations.

18 And they we're seeing how  
19 those recommendations can be worked into  
20 individual programs. And who is the third  
21 party?

22 I think the name is SEKO  
23 [SKEO], I'm going to pronounce that wrong,  
24 though. It's -- I think it's S-I-E-K-O. If  
25 you Google DEQ's web site and environmental

1 justice, there should be some information  
2 out there regarding the work Virginia has  
3 done -- or DEQ has done. So you only  
4 contacted two people in Brown Grove.

5 Why is it the responsibility  
6 of the community leaders to get the  
7 information out? Well, the -- the community  
8 leaders -- we contacted them because they  
9 were the first people that we knew to start  
10 with was the pastor and -- and one other  
11 community leader.

12 And they were the ones that  
13 were able to connect us and tell us who in  
14 the community we should be talking to. So  
15 there is a question, considering the entire  
16 record, do you believe if Airpark is the  
17 least environmentally damaging practical  
18 alternative?

19 I think that review of the  
20 information is -- demonstrates that given  
21 the various criteria of looking at surface  
22 water impacts, looking at practicality in  
23 terms of cost, logistics and technology that  
24 the information does leave itself to -- to  
25 indicate that the least -- that the Airpark

1 is the least environmentally damaging  
2 practical alternative as stated in our  
3 presentation. Sorry, there's -- questions  
4 are coming and things are moving. So I'm  
5 trying to catch these as I go.

6 So -- I'm trying to understand  
7 the question here. Which category or  
8 categories does the top alternative not make  
9 it less viable -- not meet, making it less  
10 viable than the proposed location?

11 So there were some situations  
12 in which costs, the other -- other costs  
13 were considered that the -- what -- the  
14 costs was the limiting factor.

15 I believe that there was one,  
16 maybe two, projects -- just thinking off the  
17 top of my head -- that there were some  
18 logistical concerns regarding how the sites  
19 were laid out, and the proposed purpose and  
20 needs of the applicant.

21 All of that information is  
22 based -- is listed out in our fact sheet  
23 that is available on our web site and  
24 explains, you know, each of those categories  
25 and whether or not it, you know, checked the

1 box or not for cost, existing technology and  
2 logistics. Let's see. Can you repeat the  
3 name of the third party? SEKO [SKEO], yes.  
4 S-E-I-K-O, S-I-E-K-O. I apologize.

5 I can't remember off the top  
6 of my head, but I think that that's correct.  
7 Why didn't DEQ send info to the entire Brown  
8 Grove community? We had tried to, you know,  
9 reach out to folks by public noticing in  
10 different publications.

11 We also offered to bring  
12 information over to the church, but was --  
13 was told that it wasn't -- wasn't necessary.  
14 That the various community leaders had --  
15 had, you know, been in contact with the --  
16 with the community and had all of the  
17 information at that point that they needed.

18 Let's see. Agency policy, is  
19 it the agency's policy determination that  
20 outreach, engagement and instruction in  
21 disaffected community members on how to  
22 participate -- I am sorry. I think I'm  
23 missing something with this question here.  
24 Environmental justice impacts considered  
25 during project review process. I think

1 we've already answered that. Let me see  
2 here. Scrolling down. So the person that  
3 asked about the third party, it's S-E-K-O --  
4 sorry, S-K-E-O. Let's see, where are we at?

5 Wegmans is not required to  
6 build a new road in the Archie Cannon site.  
7 They're using this as a reason -- are they  
8 using this as a reason for increase costs.

9 It's our understanding that  
10 that was going to be a need to build at that  
11 site that was given consideration when  
12 looking at the alternatives analysis.

13 Certainly if there's  
14 information that the public would like to  
15 submit to us that is different from that, we  
16 will take a look at it. But you know, to  
17 our -- our knowledge, that was something  
18 that was part of that project at Archie  
19 Cannon.

20 Is the agency's policy  
21 determination that outreach, engagement and  
22 instruction to disaffected community members  
23 on how to participate in the required  
24 permitting process considered sufficient for  
25 meeting EJ? So again, you know, our biggest

1 concern is making sure that all people --  
2 regardless of how they are, race, gender,  
3 all of that -- that they have equal  
4 opportunity to the process.

5 So -- and that's, you know,  
6 within the definition of the EJ legislation.  
7 So we are insuring that everyone has equal  
8 opportunity to participate there. All  
9 right.

10 What is DEQ's responsibility  
11 for -- sorry, I guess it's verifying --  
12 looks like a mistype there, of the Wegmans  
13 cost estimate? A planner for the town said  
14 their \$10M estimate for road improvements  
15 was much higher than what the town had  
16 estimated.

17 Yeah, and I -- I understand  
18 that that's a concern of the community. I  
19 have spoken with the applicant about that.  
20 There appears to be documentation regarding  
21 that and we'll be asking for that  
22 information to -- to answer that question.  
23 Let's see. There's a question about whether  
24 the third party would recommend this project  
25 at this location. And again, that third



1 party does not get involved -- DEQ did not  
2 hire that third party to get involved in  
3 looking at individual projects, but instead  
4 looking at our programs at -- you know,  
5 holistically.

6 Verifying -- okay. So were  
7 any pre-existing buildings or sites  
8 considered as alternative locations? And if  
9 not, are they at all required to consider  
10 using those instead of building a new site?

11 There's nothing that says that  
12 they have to or that they don't have to look  
13 at pre-existing buildings. Essentially, the  
14 applicant shapes their purpose and need to  
15 the application and determines the  
16 alternatives that are selected for use.

17 DEQ did ask about the sites  
18 that were located in Hanover. And the  
19 applicant indicated that -- that, you know,  
20 based on their needs there's -- that those  
21 were the sites that met their -- their  
22 needs. So that's why they looked at those  
23 particular sites. And I think that there  
24 were a few sites that -- existing buildings  
25 that could accommodate the size footprint

1       that they needed. All right. And then  
2       there's a question in here, at what point do  
3       you question the integrity of the applicant  
4       after being proven wrong multiple times?

5               So I mean, we -- as -- as an  
6       agency, we do rely on the applicant  
7       providing the most current information, the  
8       most accurate information.

9               They're signing certification  
10       statements saying that the information is  
11       accurate. So the -- the, you know, there is  
12       a preponderance of -- of requirements on the  
13       applicant to be accurate.

14              And DEQ reviews that  
15       information and, you know, we do some  
16       independent verification of some of that  
17       information and make sure that it is in line  
18       with our understanding.

19              So it -- again, I think I said  
20       it earlier, we do not blindly accept what  
21       they are submitting to us. All right. So  
22       it looks like we're hitting at 6:45. So I  
23       will read one last question and then we are  
24       going to take a pause and we will start back  
25       up at 7:00. And that last question will be,

1        what impact -- this is in order they were --  
2        came in. What impact is there on the homes  
3        on Egypt Road? From the map, it looks like  
4        the impact line as well as the structure  
5        itself is very close to homes that people  
6        live in.

7                    And especially considering  
8        that some of those homes are on well water.  
9        So, you know, we have heard concerns about  
10       well water. You know, we do not  
11       specifically regulate well water as it  
12       pertains to the VWP permit.

13                   But our understanding of soils  
14       on that site does seem to indicate that  
15       there's a pretty thick clay level in the  
16       soil profile.

17                   And suggests that there's a  
18       perched water table in that -- on that site  
19       and in that vicinity. So based on that, I  
20       would venture to guess that the site should  
21       not affect the well water associated with  
22       the neighbors. But ultimately, it's the  
23       local -- the local Department of Health  
24       officials that regulate private groundwater  
25       wells. And that is going to conclude our

1 Q&A for tonight. So again, I want to thank  
2 everybody who submitted questions. I  
3 encourage you to submit comments.

4 Again, written and verbal  
5 comments tonight will be considered equally  
6 as we review all of this information at the  
7 close of the comment period. So again,  
8 thank you.

9 We're going to take a brief  
10 pause. We will start back up at 7:00  
11 o'clock. And the hearing officer, at that  
12 time, will call the hearing to order. So,  
13 thank you.

14  
15 (The virtual public informational briefing  
16 concluded at 6:48 p.m. The virtual public hearing  
17 commenced at 7:00 p.m., and the taking of oral  
18 comments commenced as follows:)

19  
20 MS. TRETINA: Good evening.  
21 Welcome to the Virginia Department of  
22 Environmental Quality's virtual public  
23 hearing for the Wegmans Distribution Center  
24 draft VWP permit. We're just going to go  
25 over some more logistics about the hearing.

1 It's a little different than the briefing.  
2 You see, once again, the control panel on  
3 your screen for the webinar.

4 If you are registered to make  
5 comments during the hearing, we recommend  
6 switching to phone audio. If you dialed the  
7 number prior to joining the webinar, you  
8 need to hang up.

9 Then select phone audio on  
10 your webinar control panel, which you can  
11 see the examples here. On the PC, open up  
12 phone and -- on the open up audio. And  
13 click on phone and then you will get a phone  
14 number, an access code.

15 And if you've registered to  
16 speak, you need to put in the PIN number.  
17 That's very important. Otherwise, we can  
18 not unmute you. So you do it there on the  
19 PC.

20 And then click the three dots  
21 on an Android and then the audio icon on the  
22 iPhone. If you are commenting, please raise  
23 your hand -- use the raise your hand  
24 function at the appropriate time. And the  
25 commenters will be unmuted in the order that

1       they registered to speak. And now, I'm  
2       going to turn it over to Heather Wood, our  
3       hearing officer for the evening.  
4

5               MS. WOOD: Thank you, Marilee.  
6       Good evening, ladies and gentlemen. I will  
7       now call the hearing to order. My name is  
8       Heather Wood and I'm the Chair of the State  
9       Water Control Board, and will serve as the  
10      hearing officer for tonight's public  
11      hearing.

12             This hearing is being  
13      conducted in compliance with Item 4-0.01G of  
14      Chapter 1289 of the 2020 Acts of Assembly.  
15      As a result of the March 12th, 2020,  
16      Declaration of State of Emergency due to  
17      novel coronavirus -- COVID-19 -- Executive  
18      Order 51, subsequent Executive Orders 53 and  
19      55, and in keeping with Governor Northam's  
20      temporary restrictions and direction to stay  
21      at home, this public hearing is being held  
22      via electronic communications through  
23      GoToWebinar. It is suggested, as you heard  
24      earlier, that you select phone audio to make  
25      comments. Utilizing the phone for

1       commenting results in better audio quality.  
2       If during the webinar, you or your equipment  
3       have experienced -- experience technical  
4       difficulties, please contact Kevin Vaughan  
5       at 804-698-4470 or email him at  
6       kevin.vaughan@deq.virginia.gov.

7               His contact information will  
8       remain posted on the screen for the duration  
9       of this hearing. Before we proceed, I would  
10      like to clarify that the State Water Control  
11      Board is a policy making body of citizens  
12      appointed by the governor and empowered by  
13      law to adopt regulations and make permanent  
14      decisions.

15              The Virginia Department of  
16      Environmental Quality is an executive branch  
17      agency with the responsibility of  
18      administering relevant laws and regulations.  
19      I am not a staff member of the Department.

20              In addition, I would like to  
21      point out that the relevant State laws and  
22      regulations are the basis for actions taken  
23      by the Board and the Department. Neither  
24      the Department or the Board has the  
25      authority to make changes to the law. The

1 State Water Control Board is holding this  
2 hearing to receive comments on the proposed  
3 issuance of the Virginia Water Protection  
4 Permit, or VDP -- VWP permit No. 19-2036 to  
5 Wegmans Food Markets, Incorporated.

6 Wegmans requested this permit  
7 in order to obtain authorization to impact  
8 wetlands associated with the construction of  
9 the Wegmans Distribution Center in Hanover  
10 County.

11 This hearing was authorized by  
12 the Director of the Department of  
13 Environmental Quality. Notice of this  
14 hearing was published in the Richmond Times  
15 Dispatch on October 20th, 2020.

16 This fact-finding proceeding  
17 is being held pursuant to Section 2.2-4019  
18 and Section 62.1-44.1502 of the Code of  
19 Virginia, as well as 9 VAC 25-210-160 and  
20 the Board's Procedural Rule No. 1.

21 The State Water Control Board  
22 will ultimately decide whether to issue a  
23 permit. There will be no decision made here  
24 tonight. The date and time and location of  
25 the State Water Control Board meeting for



1 consideration of this proposed permit are  
2 yet to be determined. Please be assured  
3 that we will consider all relevant  
4 information that you present regarding the  
5 proposed permit.

6 The general procedure for this  
7 hearing will be as follows; Jaime Robb, the  
8 Virginia Water Protection Permit program  
9 manager for the Piedmont Regional Office of  
10 DEQ will make a brief presentation.

11 Before taking comments from  
12 the general public, I will first ask if  
13 there are any elected officials -- State and  
14 local officials -- that would like to speak.

15 Once any elected officials  
16 have spoken, I will ask if the applicant  
17 would like to speak. It is my understanding  
18 tonight that the applicant has deferred --  
19 deferred comments from tonight's hearing.

20 Once the applicant has spoken  
21 -- or then -- once we've addressed the  
22 applicant or offered the applicant an  
23 opportunity to speak, the individuals who  
24 indicate a desire to speak -- who have  
25 indicated a desire to speak when registering

1 for the webinar will be called on. Anyone  
2 else participating in the webinar wishing to  
3 speak will be asked at a later time to use  
4 the raise your hand function on the  
5 GoToWebinar control bar that appears on your  
6 screen.

7 Please do not raise your hand  
8 until asked to do so. Once you have raised  
9 your hand, please leave your hand raised  
10 until you are called on.

11 When called upon to give your  
12 statement, you will be unmuted and you can  
13 begin to speak. Please state your full name  
14 and who you represent prior to making your  
15 comments.

16 Please speak slowly and  
17 clearly so that your comments can be  
18 accurately and completely recorded. As the  
19 hearing officer for the public hearing, I  
20 reserve the right to restrict comments based  
21 on the length of time or the repetitive  
22 comment. And I ask that you keep your  
23 comments to three minutes. We will be  
24 recording all public comments for the  
25 official files. As a reminder, written

1        comments may be submitted to DEQ through  
2        December 4th. Written comments mailed to  
3        DEQ must be received by close of business on  
4        December 4th, 2020.

5                Emailed comments must be  
6        received by DEQ by 11:59 p.m., on December  
7        4th, 2020. At this time, I call on Jaime  
8        Robb to give the staff presentation.

9  
10               MS. ROBB: Thank you, Ms. Wood.  
11        Good evening, everyone. My name is Jaime  
12        Robb and I am the Virginia Water Protection,  
13        or VWP, permit manager at DEQ's Piedmont  
14        Regional Office.

15               The subject of the public  
16        hearing this evening is the proposed VWP  
17        permit No. 19-2036, Wegmans Distribution  
18        Center located in Hanover County. The  
19        applicant is Wegmans Food Markets,  
20        Incorporated.

21               As many of you are aware, DEQ  
22        had a public hearing in July for this  
23        project. However, due to an increase in  
24        surface waters on the proposed site as  
25        determined by the US Army Corps of Engineers

1 in September 2020, impacts for the proposed  
2 project have increased. As a result, the  
3 applicant has submitted updated application  
4 materials.

5 DEQ has reviewed the  
6 application materials in light of the new  
7 surface water information and prepared a  
8 revised draft permit.

9 The purpose of the project is  
10 to construct a 1.7M square-foot grocery  
11 distribution center and ancillary support  
12 facilities.

13 Phase one of construction  
14 consists of construction of an approximately  
15 1.1M square-foot contiguous facility  
16 developed in an L-shape that will house a  
17 dry warehouse, refrigerated warehouse,  
18 return center, food manufacturing facility  
19 and offices, as well as parking and staging  
20 areas for tractor trailers, parking for  
21 associates and support buildings, such as  
22 fleet maintenance, dispatch and site  
23 security. Phase two includes a near term  
24 expansion of Phase one to approximately 1.3M  
25 square-foot. The applicant plans to -- a

1        third phase future expansion for a total of  
2        1.7M square feet. The project, as proposed,  
3        on approximately 219-acre parcel of land in  
4        Hanover County located southwest of the  
5        Ashcake Road and Sliding Hill Road  
6        intersection.

7                    The site is surrounded by  
8        agricultural and forest land, Ashcake Road  
9        to the north, residential development and  
10       forest as well as Sliding Hill Road to the  
11       east and south and the Hanover County  
12       Municipal Airport and industrial commercial  
13       development to the west.

14                   The project lies within the  
15       Pamunkey River watershed. The selected site  
16       was determined to be the least  
17       environmentally damaging practical  
18       alternative.

19                   The project as proposed will  
20       impact 14.8 acres -- excuse me, 14.85 acres  
21       of surface waters consisting of 12.99 acres  
22       of palustrine forested wetlands, 0.23 acres  
23       of palustrine emergent wetland and 0.14  
24       acres of jurisdictional ditch for the  
25       distribution center construction and

1 associated infrastructure. Secondary  
2 impacts due to the diversion of surface  
3 water are proposed to 1.44 acres of  
4 palustrine forested wetland and 0.02 acre of  
5 jurisdictional ditch.

6 Temporary impacts to 0.03  
7 acres of palustrine emergent wetland are  
8 also proposed. The applicant evaluated four  
9 alternatives and a no-build alternative, as  
10 well as the alternative design within the  
11 selected site in order to demonstrate that  
12 the proposed impacts are the minimum  
13 necessary to accomplish the project's  
14 purpose.

15 The draft permit requires  
16 compensatory mitigation for wetland impacts  
17 to -- at a 2:1 replacement to loss ratio for  
18 the palustrine forested and jurisdictional  
19 ditch impacts, a 1:1 replacement to loss  
20 ratio for the emergent impacts and a 2:1  
21 replacement to loss ratio for the secondary  
22 impacts to forested wetland. The proposed  
23 permit required a total of 29.41 wetland  
24 credits. The applicant proposes to purchase  
25 credits from a mitigation bank to fulfill

1 the mitigation requirements. State Water  
2 Control law and proposed permit require the  
3 mitigation banks to be used be located in  
4 the same hydrologic unit code as the project  
5 site or an adjacent hydrologic unit code and  
6 in the same watershed as the project site.

7 In accordance with the State  
8 Water Control law, DEQ requested comments  
9 from other State agencies on the effects of  
10 the proposed projects on fish and wildlife  
11 resources, threatened and endangered  
12 species, drinking water supplies and tidal  
13 wetlands and state-owned bottomland.

14 DEQ contacted Virginia  
15 Department of Wildlife Resources, the  
16 Virginia Department of Conservation and  
17 Recreation and the Virginia Department of  
18 Health and Virginia Marine Resource  
19 Commission.

20 None of the agencies commented  
21 that the project would have an adverse  
22 effect on species or areas within their  
23 jurisdiction. The proposed permit contains  
24 limits of wetland impacts and a 15-year  
25 term. The permit requires that mitigation

1 credits are purchased prior to impacts to  
2 insure no net loss of wetland acreage and no  
3 net loss of function of wetlands.

4 The permittee must report  
5 before, during and after impacts begin to  
6 insure DEQ can monitor and inspect the  
7 project for compliance with the permit.

8 Additionally, the proposed  
9 permit contains wetland monitoring  
10 conditions for several areas directly  
11 adjacent to remaining onsite wetlands. And  
12 also requires associated report submittals  
13 and notifications.

14 The permit also contains  
15 conditions to minimize impacts to water  
16 quality, fish and wildlife resources during  
17 construction such as requiring work to be  
18 performed in the dry, erosion and sediment  
19 controls and stormwater management.

20 The purpose of the hearing  
21 tonight is to receive additional public  
22 comments to enable DEQ staff to further  
23 evaluate the proposed permit. DEQ staff  
24 will consider all the information provided  
25 at the hearing and any written comments



1 received during the comment period until  
2 December 4th before making its final  
3 permitting recommendation to the State Water  
4 Control Board at a future meeting on a date  
5 that has yet to be determined.

6 This concludes staff  
7 presentation. Thank you very much for your  
8 attention. Now back to you, Ms. Wood.

9  
10 MS. WOOD: Thank you, Jaime. If  
11 there are any State or local officials  
12 online who wish to speak, please raise your  
13 hand -- please use the raise your hand  
14 function on the GoToWebinar control bar that  
15 appears on your screen now so we may call  
16 upon you.

17 Please be sure to state your  
18 full name and your position. Any elected  
19 local or State officials.

20  
21 MS. TRETINA: Ms. Wood, I don't see  
22 any that have just raised their hand. The  
23 only ones I see are people that have  
24 previously raised their hand.  
25

1 MS. WOOD: Okay. And as I stated  
2 earlier, at this point we typically call on  
3 the applicant to make a statement. It is my  
4 understanding that the applicant is going to  
5 remain with the statement that they prepared  
6 at the prior -- and delivered at the prior  
7 public hearing.

8 So we will move on to those  
9 individuals who wish to speak. Please use  
10 -- again, those of you that wish to speak,  
11 please use the raise your hand function on  
12 the GoToWebinar control panel that appears  
13 on your screen.

14 Once you have raised your  
15 hand, please leave your hand raised until  
16 you are called on. And your hand will be  
17 lowered on the webinar control panel so that  
18 we can accurately follow who has spoken and  
19 who still wishes to speak.

20 And Marilee's going to help me  
21 -- help me navigate that. So I guess,  
22 Marilee, if we can have our first -- first  
23 speaker.

24  
25 MS. TRETINA: Okay. The first

1 person registered is Patty Garza. Patty,  
2 you are now unmuted. You need to unmute  
3 your microphone, Patty. Okay. Well, we'll  
4 move on to the next one.

5 Let's see, Kelsey Crane  
6 registered but she doesn't seem to be on the  
7 webinar. The next one is Jeff Hetzer.  
8 Jeff, you are unmuted.

9  
10 MR. HETZER: Okay. Can you hear  
11 me?

12  
13 MS. TRETINA: Yes, we can.

14  
15 MR. HETZER: Okay, great. Thank  
16 you for the opportunity. I'm Jeff Hetzer, a  
17 resident of Mechanicsville, Virginia. I  
18 request that the Virginia Water Protection  
19 permit No. 19-2036, related to the proposed  
20 construction of a Wegmans distribution  
21 center on property owned by Airpark  
22 Associates in Hanover County be denied for  
23 defective performance of numerous  
24 administrative and technical policies and  
25 requirements to include, but not limited to

1 the following. The wetlands delineations  
2 contained in the current permit continues to  
3 incorrectly state the amount of impacted  
4 wetlands.

5 The initial permit finding of  
6 6.2 acres that was questioned by concerned  
7 citizens during the first public hearing, as  
8 you stated earlier, basically has been  
9 discredited or found invalid by DEQ and the  
10 Corps of Engineers.

11 New reviews by these agencies  
12 have now determined that there are 14.8  
13 acres of impacted wetlands. This new result  
14 still understates the amount of impacted  
15 wetlands as all data points for the property  
16 are still not included in the study.

17 The Airpark Associates own  
18 consultant performed an independent wetland  
19 study and identified 33.8 acres of impacted  
20 wetlands. This is a tremendous disparity  
21 between 6.2 and 14.8 to 33.8.

22 And it -- if it's in the range  
23 of 14 to 33 acres, it represents the largest  
24 impact to wetlands of any Virginia project  
25 in the last decade. This entire effort by

1 Wegmans, and now DEQ and the Corps, to  
2 determine the real amount of impacted  
3 wetlands as required by law really has  
4 become bogus and contrary to your own  
5 policies and procedures.

6 The Airpark Associates site  
7 for this project is not the least  
8 environmentally damaging practical  
9 alternative.

10 There are available sites in  
11 Hanover County, the Town of Ashland and  
12 areas within the Richmond Metropolitan area  
13 that offer significantly less environmental  
14 and wetlands destruction than this airpark  
15 site.

16 The agency study of  
17 alternative sites to determine the least  
18 environmentally damaging practical  
19 alternative is flawed in much the same way  
20 as the studies to determine the impacted  
21 wetlands were flawed.

22 No other site has the huge  
23 amount of impacted wetlands, ostensibly up  
24 to 33.8 acres -- perhaps more -- as the  
25 Airpark site. This study is skewed to favor

1 the Airpark site due to the abnormally low  
2 sale price negotiated by Hanover County on  
3 behalf of Wegmans.

4 Wegmans, Hanover County and  
5 now DEQ are -- seem to be pushing this  
6 development of this project over other sites  
7 due to its relatively low purchase price  
8 with limited concern to any environmental  
9 impacts and required protections.

10 Wegmans also has not met its  
11 burden to promote the environmental justice  
12 from meaningful involvement of the Brown  
13 Grove community as required by Virginia law.  
14 Wegmans has sought to trivialize this.

15 Community and minimize its  
16 concerns related to the impacts that this  
17 project will have on the community. To be  
18 honest, it's disgusting that Hanover and the  
19 State seem to be supporting this lack of  
20 concern and adherence to its own  
21 requirements and laws.

22 Based upon the extensive  
23 impacts of this project upon the community,  
24 a lack of transparency -- especially related  
25 to the Corps of Engineers' responsibilities

1 related to this permit -- ongoing critical  
2 flaws in the accuracy of delineation  
3 determinations. The lack of adherence to  
4 your own policies and requirements,  
5 unaddressed environmental justice  
6 requirements, the fact that less impactful  
7 alternative sites exist within the area, the  
8 sheer volume of destroyed wetlands as well  
9 as the negative impacts upon quality of life  
10 and habitats.

11 And lastly, an apparent  
12 misguided political influence to continue  
13 the promotion of this project. For these  
14 reasons, this permit must be denied. Thank  
15 you very much.

16  
17 MS. TRETINA: Our next speaker is  
18 Rod Morgan. Rod, you are unmuted.

19  
20 MR. MORGAN: Thank you. Can you  
21 hear me?

22  
23 MS. TRETINA: Yes, we can.

24  
25 MR. MORGAN: Wonderful. My name is

1 Rod Morgan and I ask that this permit be  
2 denied. The Airpark site is not the LEDPA.  
3 One element of LEDPA relates to special  
4 aquatic sites. Airpark is considered to be  
5 a special aquatic site and the regulations  
6 are clear. When the activity proposed for a  
7 special aquatic site is not water-dependent,  
8 practicable alternatives are presumed to be  
9 available unless clearly demonstrated  
10 otherwise.

11 To date, there has been no  
12 demonstration to rebut this presumption  
13 under the law. I will explain why Airpark  
14 is not LEDPA for the proposed Wegmans  
15 facility.

16 In the interest of time, I'm  
17 going to limit my comments to the cost.  
18 Wegmans submits that Archie Cannon, which  
19 DEQ had determined to be the, quote-unquote,  
20 best site would cost \$36M or \$30M more than  
21 Airpark.

22 This analysis is not simply  
23 flawed, but it contains outright  
24 misstatements of fact. Wegmans states that  
25 wetlands mitigation costs at Archie Cannon



1 will be about \$620,000.00 primarily based on  
2 almost 2,000 linear feet of impact to  
3 streams. We have a design for a 2.7M  
4 square-foot facility at the Archie Cannon  
5 site. This proposal, which is 1M square  
6 feet larger than what Wegmans proposes would  
7 impact only 104 linear feet of stream.  
8 Wegmans is absolutely aware of this  
9 proposal.

10 It was also prepared by the  
11 Timmons Group, which is Wegmans engineer.  
12 If you look at the disparity in mitigation  
13 cost, that -- the mitigation cost at Archie  
14 Cannon are overstated by \$550,000.00.

15 Then Wegmans submits that  
16 Archie Cannon would require relocation of  
17 the sanitary sewer. This cost is listed at  
18 \$750,000.00.

19 Hanover County has already  
20 voted to cover the sewer cost for Wegmans  
21 and this cost is inappropriate and not --  
22 and should not be included in the analysis.

23 Then Wegmans submits that a  
24 switch from Airpark to any other site,  
25 including Archie Cannon, would cost almost

1       \$6M in lost cost savings due to a delay.  
2       This cost is improper. Regulatory guidance  
3       is clear. Alternatives are to be judged at  
4       the time of market entry. And opportunity  
5       and some costs are not allowable for this  
6       purpose. That brings us to the last cost,  
7       and my favorite of all, which is the road.

8               Wegmans submit that the Town  
9       of Ashland would require the extension of  
10      Hill Carter Parkway as, quote, a  
11      requirement. Wegmans believes this road  
12      would cost almost \$11M.

13             This requirement is news to  
14      the Town of Ashland. The Town of Ashland  
15      advises that, quote, at no point was this a  
16      requirement, end quote.

17             It was discussed as a town  
18      need, but almost all -- if not all -- of the  
19      cost estimated between -- estimated to be  
20      between \$5M and \$6M would be covered by  
21      VDOT.

22             When I correct all of Wegmans'  
23      misstatements, Archie Cannon would cost \$10M  
24      compared to the \$6M at Airpark. The  
25      difference of \$4M certainly seems

1 substantial, but taken in light of the  
2 overall announced project investment of  
3 \$175M, it's approximately 2.1% of the  
4 overall value. A 2.1% difference is not  
5 substantial enough to render the Archie  
6 Cannon site as impracticable. And I -- I go  
7 back -- DEQ analysis already agrees that the  
8 Archie Cannon site is the least  
9 environmentally damaging.

10 In September of 2020, Michelle  
11 Henicheck -- a wetlands ecologist with DEQ  
12 -- writes that Archie Cannon is the, quote,  
13 best choice for the project based on  
14 wetlands impacts and access.

15 She capitalizes the word best  
16 for emphasis. So how could all of these  
17 errors and misrepresentations continue  
18 unaddressed by DEQ?

19 When asked by a member of the  
20 media, Ms. Robb responded that, quote,  
21 responsibility lays with the applicant to  
22 provide accurate information for review and  
23 approval.

24 In reviewing the economic  
25 information provided by the applicant, DEQ

1 has no reason to believe that the  
2 information provided is inaccurate.  
3 Ms. Robb then goes on to note that the  
4 public can point out any problems with the  
5 application submitted. I ask if DEQ takes  
6 everything an applicant submits at face  
7 value. How can they properly advise the  
8 State Water Control Board -- they being DEQ.

9 How can they meet their  
10 statutory duties to protect the environment  
11 for all Virginians if every applicant's  
12 submissions are taken at face value? It's  
13 -- it's ridiculous and it should not be  
14 allowed to continue. Thank you very much.

15  
16 MS. WOOD: Thank you.

17  
18 MS. TRETINA: The next speaker is  
19 Weedon Cloe. Weedon, you are unmuted. You  
20 need to unmute your microphone. Weedon,  
21 you're -- there you go.

22  
23 MR. W. CLOE: Can you hear me?

24  
25 MS. TRETINA: Yes, we can hear you.

1 Mm-hmm. We can hear you.

2  
3 MR. W. CLOE: All righty. Thank  
4 you very much. Ms. Robb, Ms. Wood, friends  
5 and neighbors, good evening and thank you  
6 for the opportunity to speak. My name is  
7 Weedon Cloe and I'm a resident of Forest  
8 Lake Hills, located in the Ashland district  
9 of Hanover County adjacent to the Wegmans  
10 Distribution Center site.

11 I would first like to express  
12 my sincere appreciation for the work your  
13 office has conducted. Thus far, in this  
14 project has been complicated and most likely  
15 one of the most involved to date in the  
16 Commonwealth.

17 Your ongoing efforts to insure  
18 the natural resources of our state are fully  
19 protected are appreciated. I am speaking  
20 tonight to respectfully request denial of  
21 the Virginia Water Protection permit 19-2036  
22 that would allow for the filling of 14.85  
23 acres of wetlands and jurisdictional ditches  
24 on the proposed distribution center site.  
25 If approved, this project will result in the

1 largest destruction of wetlands in the State  
2 of Virginia outside of the Greater Hampton  
3 Roads-Virginia Beach area.

4 A review and summary of  
5 wetlands impacts greater than 10 acres over  
6 the past five years in the State of  
7 Virginia, as provided by DEQ via FOIA  
8 request, demonstrates that the impacts of  
9 this project will be approximately five  
10 acres greater than those realized by the  
11 2016 Niagara Bottle plant project in  
12 Chesterfield County, which is the largest  
13 wetlands impact to date in Central Virginia.

14 It's concerning that  
15 increasing and precedent setting wetlands  
16 impacts in Central Virginia are considered,  
17 especially when avoidance can be achieved by  
18 responsible site selection and/or project  
19 site design.

20 We do contend that the -- the  
21 wetlands existing onsite are -- are still  
22 not 100% characterized. While folks went  
23 right back out and -- and took a look and  
24 kind of made the right choice about making a  
25 change with what was considered mosaics and

1 now non-mosaics. There are still some  
2 outstanding issues that need to be  
3 addressed. One issue relates to the  
4 empirical delineation of the nature of  
5 wetland at data point two and how it relates  
6 to the impacts seven and the Hammerhead  
7 wetland impact six.

8 In the original RK&K  
9 delineation, DEQ is identified as being  
10 located within a larger contiguous wetland.  
11 And then it was omitted based on a general  
12 mapping exercise rather than observational  
13 field work.

14 This omission has been  
15 explained or justified in the technical  
16 memorandum as the data point being located  
17 outside areas depicted by the Natural  
18 Resource Conservation Services soil surveys  
19 as being outside of hybrid soils.

20 However, the site-specific  
21 characterization clearly asserted that  
22 hybrid soils were present at that point.  
23 This would suggest that the two wetlands are  
24 at a minimally hydrologically connected.  
25 And as a result, should be accounted for as

1 one contiguous body with appropriate  
2 mitigation taken for the proposed grid  
3 impact.

4 We contend that further field  
5 observations are needed in these areas to  
6 conclusively determine the natures of those  
7 sites.

8 To summarize, it's my opinion  
9 that the siting of this project on the  
10 airpark tract land will, indeed, result in  
11 one of the most significant impacts to  
12 natural resources in the Commonwealth.

13 The degree to which the  
14 applicant has pursued the site in question  
15 is remarkable given the availability and  
16 potentially relative ease of permitting of  
17 alternative tracts of land in Central  
18 Virginia.

19 I respectfully request denial  
20 of this permit. Thank you for the  
21 opportunity to comment and please let me  
22 know if you have any questions.

23  
24 MS. WOOD: Thank you.  
25



1 MS. TRETINA: Our next speaker is  
2 Chris French. Let me scroll up.

3  
4 MS. ROBB: Marilee, I think you --  
5 I think you skipped Brett Blose.

6  
7 MS. TRETINA: Oh, I'm sorry. I'm  
8 sorry. Sorry, Chris. False alarm. Thank  
9 you. Brett, you are unmuted. Sorry about  
10 that.

11  
12 MR. BLOSE: Thank you. My name is  
13 Brett Blose. I'm a resident of Foxhead  
14 neighborhood, which is adjacent to the  
15 airpark site. My visual aid is ready?

16  
17 MS. TRETINA: Yes, it is.

18  
19 MR. BLOSE: We'll be -- all right.  
20 We'll be comparing the LEDPA site Archie  
21 Cannon with the preferred alternative  
22 Airpark, next slide. This is the impact map  
23 for Airpark. 14.82 acres of wetland, 1.7M  
24 square feet of building in an L-shaped  
25 layout. Can't really see it. Kind of --

1 something. Anyway, I'll keep going. This  
2 is the -- all right. So we're -- we're  
3 looking at Airpark here. It's an L-shaped  
4 layout.

5 14.82 acres of wetland impact,  
6 1.7M square feet, it has an L-shaped layout.  
7 So the next slide. This is the Archie  
8 Cannon layout Wegmans' engineer Timmons did  
9 for a developer who chose not to build.

10 2.75M square feet, 0.82 acres  
11 of wetland impact and minimal stream impact.  
12 This is an I-shaped layout. We'll go to the  
13 next slide. Since Wegmans only needs 1.7M  
14 square feet.

15 I worked the Archie Cannon  
16 site layouts. Here is 0.38 acres of wetland  
17 impact, 1.7M square feet with an I-shaped  
18 layout. Next slide.

19 When comparing optimized  
20 layouts, Airpark impacts at least 38 times  
21 more wetland acres than Archie Cannon. Next  
22 slide.

23 False claim, the Archie Cannon  
24 site routes traffic through more congested  
25 area. Archie Cannon, the first part of the

1 trip to I-95 with 16,000 vehicles per day.  
2 The second part's 25,000 per day. For  
3 Airpark. The first part is 16,000 vehicles  
4 per day, the second part is 31,000 vehicles  
5 per day as determined by VDOT traffic  
6 counts.

7 And would use the Atlee  
8 Station and Sliding Hill intersection rated  
9 'F' by VDOT, the worse possible service  
10 level. Airpark is a longer distance, more  
11 average and more peak traffic than Archie  
12 Cannon, next slide.

13 False claim, Archie Cannon is  
14 limited in size and orientation and can not  
15 fulfill future expansion or need. Wegmans'  
16 engineer Timmons has shown the Archie Cannon  
17 site can be configured for 2.75M square  
18 feet.

19 Wegmans simultaneously makes  
20 the assertion the site can not support 1.7M  
21 square feet for Wegmans. These statements  
22 can not co-exist. Wegmans is attempting to  
23 make alternative sites be falsely  
24 unpractical, next slide. False claim,  
25 L-shaped layout is needed for efficient

1 cross docking. A study on cross dock shape  
2 published in Transportation Science provides  
3 these conclusions and states; most cross  
4 docks are long, narrow I-shaped.

5 When the L-shaped is used, the  
6 primary reason is to accommodate site  
7 restriction. L-shaped docks are considered  
8 generally inferior to I-shaped docks.

9 I-shaped docks are considered  
10 the most efficient shape for cross docks  
11 that Wegmans is proposing, next slide. Why  
12 would Wegmans mandate a less efficient  
13 layout?

14 Next slide. Wetlands. The  
15 best shape to avoid impact under the old  
16 invalidated PJD on the airpark was the  
17 L-shape.

18 Wegmans proffered substantial  
19 conformity to this layout needing re-zoning  
20 to change. Now that PJD has changed due to  
21 substantial conformity, Wegmans is sticking  
22 to the old layout.

23 And instead of avoiding  
24 wetlands, it's building on the larger  
25 section, next slide. But it get's worse.

1 Wegmans attempts to manipulate the  
2 alternatives analysis to their desired  
3 result by insisting all sites be handicapped  
4 by the same compromised 'L' design mandated  
5 on Airpark.

6 This kept alternative sites  
7 from being optimized in layout, minimization  
8 of wetland impact due to the faulty 'L'  
9 requirement.

10 Wegmans claimed other sites  
11 were logistically challenged or overstated  
12 wetland impacts due to the L-shaped  
13 handicap, next slide. Archie Cannon is  
14 clearly the LEDPA site.

15 Virginia law requires it, the  
16 permit shall only be issued on a site which  
17 is the least environmentally damaging,  
18 practicable alternative. Airpark fails this  
19 test.

20 Therefore, the permit for  
21 Airpark must be denied by law. The issuance  
22 of this permit would be arbitrary,  
23 capricious and an error of law. I request  
24 that this permit be denied.  
25

1 MS. TRETINA: Okay. Our next  
2 speaker is Chris French. Chris, you are  
3 unmuted.

4  
5 MR. FRENCH: Can you guys hear me  
6 okay?

7  
8 MS. TRETINA: Yes, we can.

9  
10 MR. FRENCH: Excellent. Well, I  
11 just want to thank everybody for this  
12 opportunity to speak this evening. I'm  
13 going to be using the same visual aid  
14 framework that I used the last time.

15 So some of these slides will  
16 look fairly familiar to people who were  
17 participants in the last public hearing.  
18 Next slide, please.

19 As mentioned by many of my  
20 neighbors, colleagues and interested  
21 parties, the wetland delineation continues  
22 to be fatally flawed.

23 Contributing to this potential  
24 issue is not only the fact that the wetlands  
25 increased for impacts almost 250% from the

1       6.12 acres to the now 14.8 acres once the  
2       mosaics went away. But there was  
3       significant issues that the public raised  
4       previously that was not further investigated  
5       by the Army Corps of Engineers because  
6       Airpark Associates did not allow the -- full  
7       access to the property in order to  
8       investigate the other matters that came up  
9       with this last survey.

10               And that gets to the first  
11       bullet point with these particular issues  
12       where field data sheets continue to remain  
13       to be incomplete.

14               The final WOUS map is still  
15       significantly altered from the original RK&K  
16       wetland delineation. Offsite wetland  
17       impacts are still not addressed according to  
18       what the rules and regulations require.  
19       Next slide please.

20               This is what the original RK&K  
21       wetland delineation wetland looked like  
22       beforehand. I'm a visual person. I imagine  
23       many people are as well. If you look at --  
24       and I -- Ms. Wood, specifically, if you look  
25       at the map, you will see that there's a

1 cut-out on the northern section where  
2 wetlands that look like they connect just  
3 mysteriously disappear offsite as if it's on  
4 a different property.

5 The same thing is true to the  
6 western wetlands over here where the  
7 property boundary at the wetland and at the  
8 boundary itself of the property. Now, we  
9 know in nature that does not occur.

10 That wetlands are continued  
11 and connected to other offsite areas. And  
12 these waters of the United States do not  
13 recognize property boundaries. Next slide,  
14 please.

15 When you had the field study  
16 that occurred afterwards and the Corps of  
17 Engineers went out, this is when the concept  
18 of wetland mosaics came about.

19 And a number of wetlands  
20 disappeared completely that were on the  
21 previous map. The mosaics came into play.  
22 All these issues that Mr. Hetzer brought up  
23 earlier are very well illustrated in this  
24 process -- I mean, with this map. Next map,  
25 please. This is what the site now looks



1       like, but there are still some very distinct  
2       differences from the original map that RK&K  
3       did. You'll notice now that the western  
4       wetlands complex that was claimed to be  
5       mosaic no longer goes to the property  
6       boundary edge.

7               Instead, it follows the  
8       contours that you can see in the black line  
9       on this map. That's an artificial  
10      determination that's a flaw from the  
11      original scaling back of the wetlands on the  
12      property.

13             Next slide, please. In the  
14      original RK&K wetland delineation, we talked  
15      about various data points that exist at that  
16      time period. Next slide, please.

17             These are some of the very  
18      safest and obvious issues that are still in  
19      this process. Because wetland Data Point  
20      No. 2 is still missing even though there's a  
21      field data sheet and a delineation that  
22      shows its existence. So it's only missing  
23      from the map, but it's actually there still.  
24      And what it does is it connects the  
25      Hammerhead wetland to the west with this

1 drainage area just below it to the larger  
2 wetland complex to the east. And it was --  
3 why is it there? Well simply put, when you  
4 look at the project layout, Wegmans has an  
5 access road going right over top of this  
6 area.

7 So the access road, if not  
8 impacting the wetlands that is obviously  
9 there -- that the data sheet shows that it's  
10 obviously there -- they have less mitigation  
11 to occur.

12 And it didn't connect it to  
13 the original mosaics that was to the west --  
14 to the east of this area originally. The  
15 offsite impact that is noted towards the  
16 north of this area, I have actually walked  
17 this property.

18 I have photographs of the  
19 hydrophilic vegetation that's present, as  
20 well as photographs of the ditch line that  
21 connects the northeastern quadrant area to  
22 the southwestern portion just below the  
23 arrow. So there's obvious connections  
24 there. Sphagnum moss is growing in this  
25 area. And as a wetland --

1 MS. WOOD: Mr. French.

2  
3 MR. FRENCH: -- plant --

4  
5 MS. WOOD: Mr. French, if I could  
6 ask you to --

7  
8 MR. FRENCH: Hello?

9  
10 MS. WOOD: -- to -- this is  
11 Ms. Wood. If I could ask you to start to  
12 wrap up your comments, please. You're at  
13 about five minutes.

14  
15 MR. FRENCH: Okay, thank you. Next  
16 slide, please. There's a lot of things here  
17 that have been errors of regulatory  
18 processes that are in place.

19 The site is obviously an  
20 industrial complex, but there is no  
21 industrial permit that DEQ has done for the  
22 site. Next slide, please. The gap, it was  
23 mentioned earlier, Michelle Henicheck's  
24 analysis, that this is not the best choice  
25 site based off of road access as well as

1 wetlands. This is a copy of that analysis  
2 where is shows Archie Cannon is actually the  
3 best site. Next slide, please.

4 Environmental justice, getting back into  
5 LEDPA.

6 The Army Corps of Engineers  
7 specifically, based off of information from  
8 DEQ to the Corps as well as the Corps to  
9 Wegmans, asked Wegmans to include  
10 environmental justice concerns as part of  
11 the LEDPA analysis.

12 This has not been accomplished  
13 at all. So there's a number of other issues  
14 that the agency's asked for that, for  
15 whatever reason, they're putting forth the  
16 permit now for public input that wasn't even  
17 addressed.

18 Next slide, please. Wegmans'  
19 responses regarded environmental justice  
20 issues is not anywhere close to being  
21 adequate.

22 We note that they had a small  
23 meeting with five residents in February  
24 2020. And then there was a flawed analysis  
25 done using the EPA EJSCREEN tool. As EPA

1 explicitly states on their web site,  
2 EJSCREEN is literally that, a pre-screening  
3 tool that is not designed to address or to  
4 contemplate a full environmental justice  
5 study.

6 And this entire aspect has not  
7 been adequately addressed by anyone,  
8 including DEQ. I was a participant in the  
9 meeting that was referenced in the  
10 information session earlier tonight.

11 And it created more confusion,  
12 in my opinion, with Brown Grove residents  
13 than it provided answers. So I don't  
14 believe that that is a check-the-box type  
15 meeting that the agency did in order to say  
16 that they addressed environmental justice  
17 and inform the community as to what was  
18 going on. Next slide, please.

19  
20 MS. WOOD: Mr. French, I'm going to  
21 ask you to wrap it up, please.

22  
23 MR. FRENCH: I am asking that,  
24 because of all significant flaws, that DEQ  
25 and the State Water Control Board deny this

1 permit. Thank you.

2  
3 MS. WOOD: Thank you.

4  
5 MS. TRETINA: Our next speaker is  
6 Mary Finley-Brook. Ms. Finley-Brook, you  
7 are unmuted.

8  
9 MS. FINLEY-BROOK: Can you hear me?

10  
11 MS. TRETINA: Yes, we can.

12  
13 DR. FINLEY-BROOK: Good evening.  
14 I'm Dr. Mary Finley-Brook from the  
15 University of Richmond. Do you have an  
16 echo?

17  
18 MS. TRETINA: Not now.

19  
20 DR. FINLEY-BROOK: Okay.

21  
22 MS. TRETINA: Not now, no.

23  
24 DR. FINLEY-BROOK: I request DEQ  
25 deny the issuance of this permit and to

1 begin to deny harmful, mistruthful and/or  
2 incomplete permit applications as regular  
3 practice.

4 The ecological assessments  
5 have been incomplete and unclear and they  
6 require correction. The original wetlands  
7 delineation was improper.

8 Flawed work conducted in 2019  
9 has been allowed to stand. The permit also  
10 needs to better consider secondary impacts  
11 to offsite wetlands with hydrological  
12 connections which were not adequately  
13 considered in the permit application or the  
14 mitigation plan.

15 The airport site appears  
16 unlikely to be the least environmentally  
17 damaging practical -- practicable  
18 alternative.

19 The data provided to make this  
20 assessment was biased towards specific costs  
21 and unnecessary information, for accurate  
22 assessment remains incomplete. The process  
23 has not been fully transparent, while the  
24 ecological and social stakes are high both  
25 locally and regionally. Transparency and

1 proper practice are lacking with respect to  
2 environmental justice. The use of EJSCREEN  
3 in this case was highly problematic based on  
4 EPA guidance and DEQ experience, leading to  
5 the fourth court -- the Fourth Circuit Court  
6 decision regarding Buckingham Compressor  
7 Station.

8 Brown Grove is a freedman  
9 community with long-standing occupation to  
10 this day, and based on Civil Rights Code and  
11 the EJ Act, this is absolutely relevant to  
12 the DEQ and Water Board process and  
13 decision.

14 By Virginia Code, there needs  
15 to be meaningful involvement of Brown Grove  
16 residents and the introduction tonight did  
17 not describe meaningful participation.

18 In fact, the practices clearly  
19 showed Civil Rights violations during  
20 outreach procedures which were delayed,  
21 spotty, inconsistent and incomplete.

22 DEQ's presentation tonight did  
23 not show even basic knowledge of  
24 environmental justice practice or that  
25 people had read the SKEO report. This



1 process, so far, as devalued the oral  
2 history and memory of local elders and has  
3 not treated the existence of unmarked graves  
4 on the development site in a respectful  
5 fashion.

6 There needs to be renewed  
7 efforts regarding engagement, along with a  
8 household study to identify specific risks  
9 and harms to the families, homes and wells  
10 in this locality.

11 And many other forms of harm,  
12 but as most relevant to this DEQ permit as  
13 related to industrial zoning, dredging,  
14 excavation and impounding, etcetera.

15 DEQ states transportation  
16 impacts are not relevant to this assessment  
17 even though Brown Grove was divided  
18 historically by the construction of I-95.

19 Because highways have torn  
20 apart many African-American communities, in  
21 2000, VDOT established environmental justice  
22 guide lands -- guidelines that, to my  
23 knowledge, have never been adhered to.  
24 After passage of the EJ Act, these  
25 guidelines are highly applicable beyond

1 transportation because they, as DEQ knows,  
2 recommend involvement of local residents  
3 from the earliest stages of planning, which  
4 did not happen.

5 Moving forward, regulators  
6 must listen to impacted populations to  
7 assess a range of factors from wetland  
8 destruction and stream and well pollution to  
9 health harm from diesel emissions to  
10 historical resources including unmarked  
11 graves.

12 I've many pending questions  
13 about this permit that were not answered in  
14 the permit application. Comprehensive  
15 ecological and social reviews has still not  
16 occurred.

17 And with a facility of this  
18 size in a marginalized area, this is  
19 unacceptable. For these reasons, I ask DEQ  
20 to deny this draft permit. Thank you.

21  
22 MS. WOOD: Thank you.

23  
24 MS. TRETINA: Our next speaker is  
25 Lori O'Toole. Lori, you are unmuted.

1 MS. O'TOOLE: Hi. Thank you for  
2 allowing me to speak tonight. My name is  
3 Lori O'Toole and I'm a resident of Ash Creek  
4 subdivision. And before I get started, can  
5 you hear me?

6  
7 MS. WOOD: Yes.

8  
9 MS. O'TOOLE: Can you -- okay. I  
10 just want to make sure. Martin Luther King,  
11 Jr., once said, our lives begin to end the  
12 day we become silent about the things that  
13 matter.

14 Evidence is clear that the  
15 proposed Wegmans Distribution Center and the  
16 corresponding water permit should be denied.  
17 The process has been fraught with a lack of  
18 transparency, the lack of proper scientific  
19 measurements and the lack of integrity with  
20 respect to the environmental injustices  
21 taking place against the Brown Grove  
22 community. It -- the time is right to right  
23 the wrongs about this project and to vote  
24 against this proposed permit. I've outlined  
25 just a few items that clearly delineate the

1       terrible project and why it should be  
2       stopped. Number one, this project will  
3       destroy twice the amount of wetlands under  
4       the flawed original survey of the property  
5       per the most recent work done on this land.

6               In addition, the most recent  
7       review only includes the wetlands previously  
8       identified, but does not include a broader  
9       look at the property.

10              And the citizens of this  
11       county believe there are still uncounted,  
12       unsurveyed wetlands. In fact, the  
13       destruction of these wetlands is said to be  
14       the largest in Central Virginia and the  
15       largest in the State of Virginia in the last  
16       five years.

17              Two, the Army Corps of  
18       Engineers has refused to respond to numerous  
19       requests regarding multiple FOIA asks. The  
20       lack of transparency does not provide the  
21       evidence to citizens to believe that proper  
22       procedures [have] taken place to review the  
23       wetlands on this property. We'd also like  
24       to have the Corps provide us with a public  
25       hearing. Three, in your study, you have not

1 appropriately considered secondary impacts  
2 to offsite wetlands. All these wetlands are  
3 connected to other hydrological connections  
4 outside of these property lines.

5 Four, stormwater impacts will  
6 be catastrophic to surrounding neighborhoods  
7 where over 40 acres are being paved over for  
8 the building and parking lots.

9 Water that had four different  
10 ways of being dispersed will now be whittled  
11 down to one. Five, this property does not  
12 meet the standards of least environmentally  
13 damaging practical alternative.

14 Both the DEQ and the Corps  
15 have not proven -- in fact, the opposite is  
16 true -- that this site is the most damaging  
17 site of those looked at for this project.

18 Opportunity costs  
19 [unintelligible] do not negate this property  
20 because Wegmans has thoughtfully said that  
21 they were required to build, as someone  
22 previously said, a \$10M road at the proposed  
23 Ashland site. This has proven to be a false  
24 statement. Six, also this site has -- will  
25 have a devastating effect on the historic

1 Black community of Brown Grove. Brown Grove  
2 has been unjustly targeted by Hanover County  
3 over the years by ignoring their pleas  
4 regarding the destruction of their  
5 community.

6 They've been on the receiving  
7 end of the brunt of impacts from the  
8 Airpark, airport, a dump and the building of  
9 Interstate 95. During the review of this  
10 property, Wegmans made feeble attempt to  
11 meet with them only once.

12 Wegmans did not listen to the  
13 community members about the known grave  
14 sites and the foundation of the Brown Grove  
15 community school on this property.

16 An appropriate archeological  
17 review of this property was not done with  
18 the kind of tools that is needed to complete  
19 this type of study.

20 As a citizen of the nearby  
21 subdivision, I find the lack of  
22 transparency, as well as the lack of  
23 following the agency's own scientific  
24 protocols, to be -- at the very least --  
25 deeply disturbing. I implore you to deny

1       this permit. It is never too late to do  
2       what is right for the environment, the Brown  
3       Grove community and all the communities  
4       being impacted by this project that has not  
5       been backed by sound, environmental  
6       practices or a sound review of the  
7       environmental injustices that are attached  
8       to this project. Thank you very much for  
9       letting me speak.

10  
11               MS. WOOD: Thank you.

12  
13               MS. TRETINA: Our next speaker is  
14       Shanda Miller. Shanda, you are unmuted.

15  
16               MS. MILLER: Okay. Can you hear  
17       me?

18  
19               MS. TRETINA: Yes, we can.

20  
21               MS. MILLER: Thank you for the  
22       opportunity to speak. My name is Shanda  
23       Miller. I'm a resident of the Foxhead  
24       neighborhood, adjacent to the Airpark  
25       parcel. I request that this permit be

1 denied due to an inability of the applicant  
2 to provide sufficient evidence that the  
3 Airpark site is the least environmentally  
4 damaging practicable alternative.

5 In the initial application,  
6 Wegmans used a preliminary jurisdictional  
7 determination. The initial PJD understated  
8 wetland impact by half and overstated  
9 impacts on alternative sites.

10 The application claimed that  
11 Airpark was equally environmentally damaging  
12 to alternative sites. It's important to  
13 note that this is no longer true.

14 During Ms. Holley's recent  
15 visit to the Airpark parcel, she invalidated  
16 the original PJD and a new PJD shows that  
17 there are extensive environmental impacts on  
18 Airpark.

19 In addition, the use of  
20 delineated wetlands instead of NWI mapping  
21 has caused the impacts on alternative sites  
22 to be reduced. Even Wegmans has dropped the  
23 idea that Airpark is the least  
24 environmentally damaging. If this permit is  
25 issued, this will be the second largest



1 impact of non-tidal wetlands and the largest  
2 impact outside of Hampton Roads in the last  
3 five years. The environmental damage,  
4 should Wegmans build on Airpark, would be  
5 immense and unprecedented.

6 Since no defensible claim can  
7 be made that Airpark is the least damaging,  
8 Wegmans has instead shifted strategies to  
9 attempt to manipulate the alternatives  
10 analysis by inventing inflated and bogus  
11 costs and logistical complications that  
12 don't exist in order to attempt to make  
13 other far less environmentally impacts  
14 falsely appear to be un-practicable.

15 A permit may only be issued  
16 for a site which is determined to be the  
17 least environmentally damaging practicable  
18 alternative. Airpark impacts at least 25  
19 times more wetlands than alternative sites  
20 and is clearly not the least damaging.

21 Stop letting Wegmans provide  
22 faulty and misleading data, costs and  
23 analysis in an attempt to manipulate the  
24 alternatives analysis to provide  
25 rationalization for their preferred site.

1       Airpark is clearly not the least  
2       environmentally damaging practicable site.  
3       And the proposed purpose can be accomplished  
4       on alternative sites in Hanover. Therefore,  
5       the permit application must be denied.

6  
7               MS. WOOD: Thank you.

8  
9               MS. TRETINA: Our next speaker is  
10       Renada Harris. Renada, you are unmuted.  
11       You need to unmute your mic.

12  
13              MS. HARRIS: Hello, can you hear  
14       me?

15  
16              MS. TRETINA: Yes, we can.

17  
18              MS. HARRIS: Okay. My name is  
19       Renada Harris. And I am representing my  
20       parents who have -- their property is  
21       connected to the Wegmans' project.

22              Actually, the Wegmans' project  
23       will be in their backyard. So I just want  
24       to say that the DEQ role is to inform and  
25       engage the community and insure the vitality

1 of our environment. The church does not  
2 speak for the entire community. It is the  
3 DEQ's responsibility to inform the  
4 community, not the church.

5 However, the church does do it  
6 as a courtesy, but it is not the church's  
7 responsibility to inform the entire  
8 community of over 100 homes in this  
9 community.

10 That is not the church's  
11 responsibility. The DEQ did not give equal  
12 opportunity for the Brown Grove citizens to  
13 even participate in this whole process.

14 So the history of  
15 communication and the role of the church in  
16 the Black community -- you know, the church  
17 is where the Black community kind of  
18 receives their information and organize.

19 And this dates all the way  
20 back to slavery. However, during COVID, we  
21 are not -- we were -- haven't been in  
22 church. We haven't been in communication.  
23 Church is done online. So the people that  
24 you met with back in -- I think you said in  
25 April -- it was a few people out of 100

1 homes that you met with. It's not equal  
2 representation of the community getting  
3 their information. This whole thing was  
4 presented as a done deal when we did hear  
5 about it.

6 And when you have people that  
7 you're not -- when the DEQ is not directly  
8 talking to the community themselves by  
9 sending some sort of letter, you have  
10 information that is lost in translation.

11 And when I've been canvassing  
12 the community to inform people about this  
13 whole thing, they said it's a done deal.  
14 There's nothing we can do about it. The  
15 older community is not online.

16 They're not on the internet.  
17 They can't even get on this phone call to  
18 receive the info. So that's a whole issue  
19 right there of the -- the community not  
20 being informed.

21 So there -- that right there  
22 is the whole environmental justice issue  
23 that I have a problem -- that's the true  
24 essence of environmental injustice. So  
25 environmental justice is based on the

1 principle that no segment of the population,  
2 especially individuals most impacted and  
3 vulnerable, should bear disproportionately  
4 high or adverse effects of environmental  
5 pollution.

6 However, for years the Hanover  
7 County Board of Supervisors has ignored the  
8 community's concerns regarding industrial  
9 industries making Brown Grove a place of  
10 business.

11 This historical community has  
12 been over-burdened with environmental  
13 degradation. And it's one of the heaviest  
14 polluted neighborhoods in Hanover County.  
15 That is environmental injustice and it has  
16 not been addressed.

17 We have an airport. We have  
18 the 95 highway running through our  
19 community. We have a truck stop. We have a  
20 landfill. We have a concrete plant.

21 And now you want to put  
22 Wegmans Distribution Center in the middle of  
23 the neighborhood. This will mark the sixth  
24 industrial business planted in the middle of  
25 a family residential neighborhood. Wegmans,

1 nor the DEQ, Army Corps has not met the  
2 burden to promote environmental justice  
3 through meaningful involvement of the  
4 community members.

5 Residents have not had the  
6 access and the opportunity to participate in  
7 the full cycle and decision-making process  
8 at all.

9 This started early on with the  
10 Hanover County Board of Supervisors when  
11 they voted to even -- when they even voted  
12 to pass this on. So we're doing all this  
13 through stay at home orders through a  
14 pandemic.

15 And you want to push this  
16 thing through. Neither the Department of  
17 Environmental Quality nor the US Army Corps  
18 of Engineers has conducted an environmental  
19 justice review.

20 Governor Northam has an  
21 advisory council on environmental justice.  
22 But he is in full support of Wegmans and he  
23 has not enacted the committee to partner  
24 with the Brown Grove residents to issue a  
25 plausible plan or research on potential

1 impacts of the community. So these  
2 activities are insufficient to meet Wegmans'  
3 environmental justice responsibility.

4 And the denial -- and the  
5 denial of Brown Grove's existence as a  
6 minority community is ignorant to the  
7 history of Hanover County. And it's  
8 offensive.

9 And to dismiss the oral  
10 history is offensive. However, Dutton and  
11 Associates, through their field survey, they  
12 held so much history, so many artifacts that  
13 are deemed eligible for the National  
14 Registry of Historic Places.

15 There are -- there is no way  
16 Wegmans can continue to build when you have  
17 so much history. In fact, we are mentioned  
18 in the Smithsonian Museum. So that's  
19 history for you right there.

20 Confirmed artifacts from the  
21 Merry Oak Tavern, Brown Grove School --  
22 which is one of eight African-American  
23 schools during Reconstruction and the Jim  
24 Crow era. This land is full of things that  
25 still need to be discovered and protected.

1 The Dutton and Associates cultural resource  
2 survey recommends this site be avoided and  
3 undergo further research. Now, you have the  
4 issue of the wetlands.

5 So we already have -- you're  
6 going to destroy the wetlands. Roads like  
7 Ashcake Road will face excessive rainwater,  
8 potential flooding on the residential houses  
9 in their yards making traffic conditions  
10 more precarious for our community.

11 And a lot of the residents get  
12 their water from the well, from the spring,  
13 especially from my family. We have well  
14 water. However, I didn't catch the lady's  
15 name at the beginning of the -- I didn't get  
16 the lady's name at the beginning of the  
17 meeting because my internet was going in and  
18 out.

19 But she said that when the  
20 question was asked about the -- how would  
21 this development affect well water, she said  
22 it should not affect the well water.

23 She did not say it will not  
24 affect the well water. She said it should  
25 not affect the well water. So that's -- she



1 -- her statement was with a question mark,  
2 like it may affect the well water. That  
3 answer -- the question to -- the answer to  
4 that question should've been a straight no.  
5 So you're putting the lives --

6  
7 MS. WOOD: Ms. Harris.

8  
9 MS. HARRIS: Yes.

10  
11 MS. WOOD: Ms. Harris, you're at  
12 about six minutes. So if I could ask you to  
13 --

14  
15 MS. HARRIS: Wrap it up?

16  
17 MS. WOOD: -- wrap it up, yes,  
18 ma'am. I'd appreciate it.

19  
20 MS. HARRIS: Okay. So with that  
21 being said, you're putting the lives of the  
22 residents that have well water at risk. We  
23 have almost over 5,000 signatures on  
24 Change.org in support of the community that  
25 do not want Wegmans. We do not want it

1 here. It adds no value to the quality of  
2 life for the people that live here. That's  
3 it. Thank you.

4  
5 MS. WOOD: Thank you. Thank you  
6 very much.

7  
8 MS. TRETINA: Okay. Our next  
9 speaker registered was Phillip Taylor, but  
10 he is not on the webinar. So we will go to  
11 the next one and that's Peter Tatro. I hope  
12 I pronounced your name correctly. You are  
13 unmuted.

14  
15 MR. TATRO: Can you hear me?

16  
17 MS. TRETINA: Yes, we can.

18  
19 MR. TATRO: Well, it's Peter Tatro.  
20 I'm a resident --

21  
22 MS. TRETINA: I'm sorry.

23  
24 MR. TATRO: -- of -- oh, no  
25 problem. Long day. Everyone does it. I

1 get all kinds of versions of my last name.  
2 I'm a resident of the Foxhead neighborhood.  
3 I do not have a presentation, so hopefully  
4 the dulcet tones of my voice will suffice.

5 As many have previously  
6 stated, the wetlands study grossly  
7 understated the wetlands impact. And when  
8 the Army Corps was allowed to come back in,  
9 they were allowed to come back in and survey  
10 a very limited section of this.

11 So based on that, I think this  
12 should trigger a review of the entire site  
13 based on the initial flawed findings. In  
14 addition, there seems to be a lot of  
15 reliance on information provided by the  
16 applicant.

17 Based on the inaccuracy of the  
18 wetlands count as well as the cost of the  
19 road -- that I believe Ashland has confirmed  
20 will not be a cost to Wegmans -- everything  
21 Wegmans has claimed in the application  
22 process needs to be reviewed and verified.  
23 The application is a deliberate deception in  
24 an attempt to manipulate the alternative to  
25 provide rationalization of the applicant's

1 preferred results. That's all I have.  
2 Thank you.

3  
4 MS. WOOD: Thank you.

5  
6 MS. TRETINA: Our next speaker is  
7 Diane Smith Drake. Hold on, let me --  
8 Diane, you are unmuted. Diane? Okay, I'll  
9 do -- you got a lot of echo.

10  
11 MS. DRAKE: Can you hear me now?

12  
13 MS. TRETINA: Yes, we can.

14  
15 MS. DRAKE: Are you able to hear  
16 me?

17  
18 MS. TRETINA: Yeah, okay. So I'm  
19 going to -- you've got two microphones open.  
20 I'm going to mute one of them. All right.  
21 Go ahead and speak --

22  
23 MS. DRAKE: Are you able to hear  
24 me?

1 MS. TRETINA: Yes, we can.

2  
3 MS. WOOD: Yes, ma'am.

4  
5 MS. DRAKE: Okay. I am Diane Smith  
6 Drake. I am a member of the Brown Grove  
7 Baptist Church. And I am the descendent of  
8 Caroline Morris, which was born into  
9 slavery.

10 Her descendents are the ties  
11 that bind the majority of the Brown Grove  
12 community and the membership of Brown Grove  
13 Baptist Church.

14 My ancestors had a vision that  
15 became a reality. Their struggles were real  
16 trying to preserve and protect their  
17 families and their land.

18 I strongly oppose the Wegmans'  
19 proposal to build a distribution warehouse  
20 that would disrupt our historic community  
21 and church on a daily basis.

22 I believe if the -- if the  
23 coin was flipped and it was Brown Grove  
24 trying to commercialize Wegmans's community  
25 knowing how hard their ancestors struggled

1       for their families and to preserve and  
2       protect their land, would Wegmans try to  
3       protect their vision and protect their land,  
4       too.

5                   It's a sad thing to see and  
6       say that even in 2020, the struggles are  
7       still real, unfair. And the lack of  
8       equality shown to many of our majority Black  
9       communities are being looked upon as  
10      disrespectful. I deny these permits. Thank  
11      you.

12  
13           MS. WOOD: Thank you, ma'am.

14  
15                   MS. TRETINA: Our next speaker is  
16      Lisa Eget. And I don't see her on there, so  
17      we'll go to the next one. And that's Sara  
18      Blues or maybe I am mispronouncing that.  
19      Hold on. Let me scroll -- I have to scroll  
20      down to get to her. Sara, you are unmuted.

21  
22                   MS. BLOSE: Good evening, can you  
23      hear?

24  
25                   MS. TRETINA: Yes, we can.

1 MS. BLOSE: Great. I'm Sara Blose.  
2 I live in the Foxhead neighborhood, which is  
3 a neighborhood that's very close to the  
4 Airpark site. And I thank you for the  
5 opportunity to comment tonight.

6 I obtained a copy of the  
7 packet DEQ prepared for the hearing officer  
8 and I was struck by one thing in particular.  
9 The summary reads as if DEQ believes that by  
10 simply having debunked the so-called  
11 mosaics, that the hundreds who've commented  
12 and care about this won't notice that  
13 nothing else has been fixed.

14 But they are wrong. We just  
15 can't cover our ears or close our eyes  
16 tightly enough to make these problems go  
17 away. The truth is that Airpark limited  
18 site access to the mosaics and DEQ didn't  
19 push the issue.

20 DEQ seems perfectly content to  
21 allow Wegmans and Airpark to take the lead  
22 in the permitting process and to decide  
23 which rules they must follow and which ones  
24 they're just going to ignore. In fact, in  
25 response to the Bay Journal, DEQ advised a

1 reporter that they simply take the applicant  
2 at their word. And yet, I'm here tonight to  
3 make clear that this is a mistake. We  
4 shouldn't reward bad behavior.

5 And approving a permit under  
6 these conditions would be arbitrary,  
7 capricious and contrary to law. It's  
8 obvious that Wegmans was dishonest in their  
9 application.

10 For example, Wegmans claimed  
11 in their alternatives analysis that Archie  
12 Cannon is prohibitively expensive, citing  
13 just shy of \$11M to do work on a nearby road  
14 that they claimed the Town of Ashland  
15 mandated.

16 All it took was a quick email  
17 and a phone call to Ashland's planning  
18 director -- Nora Amos -- for me to confirm  
19 that this simply is not true.

20 After State money, they  
21 would've offset the cost, the actual expense  
22 of this roadwork would be about \$1M. Making  
23 this a \$10M lie. And if that weren't bad  
24 enough, Ms. Amos made clear that the town  
25 never made the road work a requirement at



1 all. If it was that easy for me to find out  
2 about some of their lies, shouldn't we be  
3 asking what else they're hiding? What other  
4 lies have they told?

5 To sum it up, if you have to  
6 lie to make it the right site, it's the  
7 wrong site. I'm asking the Board to refuse  
8 to give this applicant any special favors.  
9 They should have to follow every rule and  
10 every regulation and not just be taken at  
11 their word.

12 Until the applicant goes back  
13 and fills in all of their lies and  
14 omissions and sneaky tricks with the  
15 complete and honest truth, they should not  
16 be allowed to fill in a single wetland. For  
17 these reasons, I'm asking the Board to deny  
18 the permit.

19  
20 MS. WOOD: Thank you.

21  
22 MS. TRETINA: Okay. So, Lisa Eget.  
23 She has shown up on the list, or maybe I  
24 missed it. So I'm going to unmute her.  
25 Lisa, you are unmuted. You need to unmute

1           your mic, okay.

2  
3                   MS. EGET: Can you hear me?

4  
5                   MS. TRETINA: Yes, I can.

6  
7                   MS. EGET: Hi. I was, in fact, on  
8 the line before and I don't know how it got  
9 missed. But I just want to state I have  
10 been listening to the whole hearing and the  
11 briefing.

12                   My name is Lisa Eget. I live  
13 in Milestone, which is very close to the  
14 proposed development. And I'm asking that  
15 the DEQ recommend denial of the permit and  
16 that the Water Board deny the permit.

17                   I want to talk about the  
18 wetlands for a moment. The wetlands have  
19 been estimated to be vast for many, many  
20 years.

21                   And in fact, the property  
22 owners knew that when they bought the  
23 property. Now, one comment that I read  
24 online at some point was from a professional  
25 who worked in this area. And he said he has

1 never seen an estimate of wetlands go from  
2 the vast amount that was originally  
3 estimated down to the 33-34 acres that the  
4 consultant for Wegmans said that Wegmans  
5 would need to address, down to 6.8 or  
6 whatever it became.

7 Back up to 14.8. This is  
8 ridiculous. You guys need to get it right.  
9 And you're here to protect the State of  
10 Virginia's interest in having wetlands.

11 Once they are destroyed, it is  
12 hard to get them back. The frogs that live  
13 on Sliding Hill aren't going to be able to  
14 go drink in York County or New Kent or  
15 wherever your remediation wetlands are.

16 So this is a ridiculous thing  
17 that the wetlands, which we know are huge,  
18 have been understated. Because there is  
19 such a discrepancy from the original  
20 estimates that were, you know, figured out  
21 by overhead satellite pictures and  
22 everything else, you guys need to re-do the  
23 entire process. You need to go in there and  
24 re-do the entire thing. And the idea that  
25 Elaine Holley can say that she can't make it

1       into the wetlands because there's too much  
2       undergrowth, well, guess what? There are  
3       ways to do it. And if she can't do it, find  
4       somebody who can.

5               And that's what I say to you  
6       and the US Army Corps. And I do think it's  
7       relevant to this discussion because you're  
8       relying on the US Army Corps to -- Corps of  
9       Engineers to establish what your wetlands  
10      are.

11             So they should do it right and  
12      there should be a lack of excuses. I want  
13      to talk about regulatory capture. This  
14      process has been under regulatory capture  
15      from the beginning.

16             When we talk about applicant,  
17      are we talking about Linwood Thomas?  
18      Because as I recall or understand, I believe  
19      Linwood Thomas was the applicant for the  
20      permits from DEQ and USACE, which is  
21      completely inappropriate.

22             For those of you who don't  
23      know who Linwood Thomas is, he's the  
24      development guy for Hanover County. Now,  
25      there was an 11-month non-disclosure

1 agreement where our own elected  
2 representatives hid this project from us.  
3 There is a conflict between secrecy and  
4 meaningful engagement. Now, meaningful  
5 engagement is not simply announcement.

6 When this project was  
7 presented to community members on all sides,  
8 it was simply an announcement. It was a  
9 fait accompli. This is what's happening.  
10 Suck it up, Buttercup.

11 Wrong. This is wrong. Now,  
12 as far as LEDPA. I'd like to talk about  
13 this for a moment. Because everyone in this  
14 space knows that the Diesel TRU's will cause  
15 significant pollution.

16 The diesel pollution does not  
17 go airborne. It goes -- it's heavy and it  
18 goes back into the ground, which means into  
19 the water. And you guys are supposed to  
20 protect the water.

21 Part of that water is the well  
22 water that the residents will be drinking.  
23 You're going to poison the residents if you  
24 approve this project. Meanwhile, everyone  
25 in this space knows that you can have

1 electrified parking spaces. And that is one  
2 of the things that the community has been  
3 asking for from the very beginning of this  
4 project is electrified parking spaces.

5 So that our children are not  
6 poisoned by diesel in the water and in the  
7 air. And within a mile -- the diesel will  
8 go within a mile, even though it is heavier  
9 than many other items.

10 So your -- your citizens that  
11 live within a mile are risking cancer. And  
12 the citizens on -- in Brown Grove are  
13 risking cancer from well water. Meanwhile,  
14 let's talk about the graves for a minute.

15 Because you talk about part of  
16 your responsibility is excavation. Well,  
17 while you're bulldozing through all the  
18 wetlands, you're going to be bulldozing the  
19 graves of the people who actually live in  
20 Brown Grove.

21 If there were meaningful  
22 engagement, which would occur if the  
23 governor would ask his new council on  
24 environmental justice to be involved in this  
25 problem. If there were meaningful

1 engagement, you guys would not have a  
2 boilerplate answer to the issue of graves.  
3 Either being found or how they're disposed  
4 of if they are found.

5 It is so offensive to my soul  
6 that you would say that the Brown Grove  
7 people, who know their ancestors are buried  
8 in the land behind them, should be scanning  
9 the newspaper or a web site in order to find  
10 out what box to pick up at what office  
11 downtown once they've been bulldozed over.  
12 That's if Wegmans bothers to tell anybody --

13  
14 MS. WOOD: Ms. Eget. Ms. Eget,  
15 you're approaching five minutes. I'd ask  
16 you to wrap it up, please.

17  
18 MS. EGET: I understand. I am  
19 finishing up. But I heard the governor give  
20 a press conference the other day. And I  
21 understand that he talked about  
22 environmental justice and talked about  
23 having a director of environmental justice  
24 or --  
25

1 MS. WOOD: Ma'am. Ma'am? I would  
2 like for you to speak directly to the  
3 aspects of this permit application.  
4

5 MS. EGET: And that -- this is an  
6 aspect. His director of diversity should be  
7 handling this so that the people who are  
8 diverse get consulted, not 11 months after  
9 the project's been planned as a fait  
10 accompli by everybody from the county to the  
11 State to the federal government.

12 Everybody knew about this but  
13 the citizens. There was no meaningful  
14 engagement. There was purposeful  
15 non-meaningful engagement. Those  
16 non-disclosure agreements were purposeful,  
17 non-meaningful engagement.

18 They were meant to hide this  
19 project and every bad aspect of it. Every  
20 mismanaged aspect of it and every crooked  
21 aspect of it from the public. And we are  
22 outraged and you need to fix it. Thank you.  
23

24 MS. WOOD: Thank you.  
25



1 MS. TRETINA: Our next speaker is  
2 Lisa Rossi. You are unmuted.

3  
4 MS. ROSSI: Can you hear me?

5  
6 MS. TRETINA: Yes, we can.

7  
8 MS. ROSSI: Hi, howdy. I'm Lisa  
9 Rossi. I just want to say I appreciate you  
10 and your time this evening. I'll make it  
11 brief. I am a lifelong resident of Hanover  
12 County. I currently reside in the Ashcreek  
13 subdivision.

14 My property is about three-  
15 quarters of an acre and I back up directly  
16 to the Totopotomoy Creek. So if anyone gets  
17 to see how water changes and flows change,  
18 it's me.

19 Because -- take for example  
20 last week when we had the heavy rain. I  
21 watched -- right behind my house is probably  
22 one of the widest parts of the creeks -- how  
23 it overflowed. Went over into the trees.  
24 Came up on the banks. And as I stood there  
25 watching it, literally water running fast

1 enough that there was someone in a kayak  
2 treating it like a rapid. And that is not a  
3 denial. That is so true.

4 I thought, how can I look at  
5 this and say that building a 1.7M square-  
6 foot beast with all of this concrete is not  
7 going to have a significant impact on the  
8 waters or wildlife and that it can -- it's  
9 not going to be environmentally damaging.

10 There's just no way. You  
11 know, as mentioned earlier, all that water  
12 -- once filled in, all those wetlands --  
13 where's it going? You know, I've seen it --  
14 even on good days -- flood out here.

15 Water rising up. And that's a  
16 concern for -- for all of us. I drive  
17 Ashcreek Road each and every day to go to  
18 work in Ashland.

19 And I know -- even if the  
20 smallest amount of rain -- when I leave out  
21 of my house, high water signs are going to  
22 be posted up and down that road. I  
23 literally make a decision on which vehicle  
24 to drive. Because in a normal car, our road  
25 is flooded and it's almost impassable at

1       some point. I watch as the residents of  
2       Brown Grove, where their mailboxes are right  
3       on the street, try to get to their mail  
4       while cars are going up and down the road  
5       with the high water going all over them.

6               And I think, how could anyone  
7       believe that filling in these wetlands and  
8       building this Wegmans there wouldn't have an  
9       affect on that. The drainage is already a  
10      problem. It's not going to get any better.

11             So I think that's what I look  
12      at with this, is how anyone can visually go  
13      out there and look at that property and look  
14      at this creek and look at the flooding that  
15      occurs even with just a small amount of  
16      rain, and think that this is a good idea to  
17      put this here.

18             And think that it's not going  
19      to have an environmental impact. And it  
20      talks -- you talk about the wildlife not  
21      being impacted. It's got to be. It's has  
22      to wildlife-impacted.

23             Even down where I am, it's  
24      still going to trickle down. We -- we have  
25      beavers out here, deer drink from the

1 stream. We have everything back here. Bald  
2 eagles are back behind my house. So I think  
3 that's the thing that bothers me the most,  
4 the affect it's going to have on all of us  
5 on the creek.

6 The affect on Brown Grove, who  
7 is already just struggling on a normal rainy  
8 day, how this is going to affect them. So  
9 obviously, I am speaking in denial of this  
10 permit. And I am done. I just wanted to be  
11 very brief. Thank you so much for you time.  
12 I appreciate you.

13  
14 MS. WOOD: Thank you.

15  
16 MS. TRETINA: Our next speaker is  
17 Deshanda Artis. Deshanda, you are unmuted.

18  
19 MS. ARTIS: Can you hear me?

20  
21 MS. TRETINA: Yes, we can.

22  
23 MS. ARTIS: Great, yes. Hello, my  
24 name is Deshanda Artis and I'm speaking in  
25 opposition of the Wegmans Distribution

1 Center being built, and ask that the permit  
2 is denied.

3 I am a lifelong resident of  
4 Hanover County. And my mother lives on  
5 Egypt Road in Ashland, Virginia, in the  
6 Brown Grove community. And the proposed  
7 Wegmans property will join her property.

8 My mother does not currently  
9 attend Brown Grove Church and she was not  
10 included in the discussion of this project  
11 by DEQ. On one side of the property where  
12 my mother lives, it will be Wegmans.

13 On another is the Ashland  
14 Airport. And the creek, that will be the  
15 site of run-off water -- Wegmans -- is on a  
16 third side.

17 My mother grew up on the  
18 property where she currently lives and  
19 slowly her community and home are being  
20 suffocated by industrial development,  
21 figuratively and literally.

22 The increase of activity in  
23 the airport because of Wegmans' needs --  
24 they use it for delivery -- and the increase  
25 of air pollution from planes and trucks is a

1 concern. The creek that will be used is a  
2 small creek. And there is a field that the  
3 creek will flood often and prevent my mom  
4 and her cousins from being able to access  
5 their home or leave their home.

6 In the -- in addition, there's  
7 a fear of what will be in this water and the  
8 quality of the water. And how this water  
9 will affect the people and animals within  
10 the community. My mother has health issues  
11 and my cousin, who lives with her, is a  
12 disabled veteran.

13 We're not sure of how the  
14 added industrial activity will affect their  
15 health, as well as the health of their  
16 children, grandchildren and great  
17 grandchildren who will visit her often.

18 And the family members who  
19 visit the family graveyard across the  
20 street. With there being such a great  
21 impact on my mother, she should have been  
22 contacted regarding this project. There are  
23 many reasons why this project is not good  
24 for the community of Brown Grove. And it's  
25 hard to find any reason of how it can be

1 good for the community or environment.  
2 Again, for the reasons previously stated and  
3 many more, I want to note opposition of  
4 Wegmans Distribution Center being built and  
5 ask that the permit is denied. Thank you  
6 for your time.

7  
8 MS. WOOD: Thank you.

9  
10 MS. TRETINA: Our next speaker is  
11 John Dumont. John, you are unmuted.

12  
13 MR. DUMONT: Can you hear me?

14  
15 MS. TRETINA: Yes, we can hear you.

16  
17 MR. DUMONT: Hi. My name is John  
18 Dumont and I live in Hanover County. I  
19 signed up as a participant, but I'm not  
20 entirely sure what I'm supposed to be  
21 talking about.

22 At the last hearing, we had  
23 hundreds of people speak and write letters  
24 about the flaws in the draft permit  
25 requested by Wegmans. These issues

1 included, but were not limited to, the fact  
2 that Wegmans didn't file for an industrial  
3 stormwater permit and they should have. The  
4 over-burdened Totopotomoy Creek and the fact  
5 that this project will exacerbate problems  
6 with that.

7 The use of wetlands  
8 delineation performed during a drought with  
9 no follow up as prescribed in the guidance.  
10 The fact that Wegmans has not considered the  
11 impact the fencing on their property will  
12 have on surrounding wildlife that relies on  
13 the wetlands.

14 The lack of documentation  
15 that's been provided to the public, the  
16 failure of DEQ to address economic justice  
17 issues. Inadequate searches to locate  
18 unmarked burial grounds and assess the  
19 handling of any found remains.

20 The removal of buffer  
21 vegetation around the land that it's being  
22 built on. The use of virtual hearings and  
23 the fact that this disenfranchises many  
24 people that want to participate in this  
25 process. The precedent that DEQ is setting



1 by relying on citizens to do the legwork  
2 that the oversight body should be doing.  
3 And flaws with -- flaws in the use of  
4 mosaics for determining the wetlands  
5 delineation.

6 As best as I can tell, DEQ  
7 hasn't taken any meaningful steps to address  
8 any of these concerns, with the notable  
9 exception of the mosaics.

10 When you went out to the site  
11 to revisit the mosaics portion of the  
12 property, you determined that the citizen  
13 comments were 100% accurate about that  
14 portion of the land.

15 And that the applicant's  
16 treatment was completely wrong. I want to  
17 point out that DEQ, the oversight body, was  
18 ready to sign off on that treatment until  
19 the people in my community forced you to  
20 re-examine it and do what was clearly  
21 prescribed in the procedures.

22 The applicant said that there  
23 was no evidence of the Brown Grove School on  
24 the property. But when a resident was  
25 invited onto the property to look at the

1 height that the lights would be installed  
2 at, he was able to find the structure in  
3 plain sight. The applicant has not been  
4 truthful about the cost of alternatives,  
5 particularly with regard to road  
6 construction.

7 When the applicant said they  
8 only wanted to change two proffers in the  
9 zoning, they removed almost every meaningful  
10 protection for residents. There are more  
11 examples of their deception.

12 We are going -- we are doing  
13 our best to shine light on this project and  
14 insure that the rules and regulations are  
15 applied evenly and fairly.

16 I don't have much faith that  
17 DEQ, who's supposed to be acting on behalf  
18 of the citizens, is doing their jobs. I  
19 feel like they're trying their hardest to  
20 see everything from the perspective of the  
21 developers.

22 You said that you asked  
23 questions of developer to substantiate that  
24 the proposal is fair and accurate. But I  
25 haven't seen any answers to the questions

1       that I listed at the beginning of my  
2       speaking time. I ask this the last time and  
3       I'll ask again, please start to openly share  
4       the information that's available.

5               Start performing reasonable  
6       assessments or deny this permit until those  
7       things begin to happen. The team of  
8       community volunteers shouldn't have to be  
9       the ones taking the lead in this process.

10              In closing, I want to thank  
11      all of the citizens that have spent their  
12      personal time and money doing what I believe  
13      DEQ should already be doing. That's all I  
14      have.

15  
16              MS. WOOD: Thank you.

17  
18              MS. TRETINA: Our next speaker  
19      registered is Rhoda Burk, but I don't see  
20      her on the list. And I'm double checking.  
21      I do not see her, so our next speaker  
22      registered is Kathy Woodcock. And Kathy,  
23      you are unmuted.

24  
25              MS. WOODCOCK: Hello, can you hear

1 me?

2  
3 MS. TRETINA: Yes, we can.  
4

5 MS. WOODCOCK: Thank you. Good  
6 evening. My name is Kathy Woodcock. I live  
7 on Ashcake Road, directly across the street  
8 from the proposed Wegmans Distribution  
9 Center.

10 I appreciate the opportunity  
11 to comment this evening. There are many  
12 things wrong with this proposed development  
13 and the processes regarding its approval.

14 One of my greatest concerns,  
15 though, is that DEQ is facilitating the  
16 destruction of the environment, rather than  
17 protecting it, by knowingly accepting flawed  
18 information.

19 Recent Corps of Engineers'  
20 corrections to the site delineation, made at  
21 the urging of the public, still do not  
22 accurately reflect the total wetlands  
23 impact. They don't account for the drought  
24 at the time of the initial delineation, the  
25 still inexplicably missing data points or

1 impacts to remaining onsite or offsite  
2 wetlands. These issues were brought to  
3 DEQ's attention in the prior public comment  
4 period and has not been addressed. Why?

5 The property owners limited  
6 access to the site so the Corps was not able  
7 to review these issues. What do they have  
8 to hide? And more importantly, why was this  
9 constraint allowed by the permitting agency?

10 How is it that the self-  
11 interested property owner can determine what  
12 are and are not reviewed? How is it that  
13 the proverbial fox is allowed to guard the  
14 hen house? Because the delineation of PJD  
15 are inaccurate, the mitigation plan and  
16 alternatives analysis are also inaccurate.

17 In accepting the highly  
18 questionable delineation of PJD from the  
19 Corps and accepting the property owner's  
20 limitations to access to the site, and  
21 accepting Wegmans at their word concerning  
22 alternative site impacts, DEQ is not  
23 adequately investigating issues and  
24 enforcing the laws that its responsibility  
25 to uphold. The Board can not issue a permit

1 with so many questions and issues remain.  
2 I'm also gravely concerned about the impact  
3 this facility could have on the quality of  
4 life for people in the surrounding homes and  
5 neighborhoods, the human environmental  
6 quality.

7 This is a quiet, rural area  
8 steeped in history. This immense 24-hour,  
9 seven-day-a-week facility with its noise,  
10 traffic and impacts on property value would  
11 destroy the rural and historic nature of  
12 this entire section of Hanover County.

13 And could be the last straw in  
14 a long line of industrial encroachment that  
15 threatens to destroy the historic Brown  
16 Grove community altogether.

17 Environmental justice is an  
18 explicit part of DEQ's stated mission. Yet  
19 tonight's public information briefing didn't  
20 make the slightest mention of Brown Grove  
21 until questions were reviewed.

22 It was then mentioned how DEQ  
23 told the community what was going to happen  
24 to it. But neither the applicant or the DEQ  
25 permit review process thoughtfully

1 considered or evaluated the disparate and  
2 irreparable impacts to this community. As  
3 such, the DEQ has failed in its mission.  
4 For the reasons I have conveyed and those  
5 that so many others have stated, the permit  
6 should be denied. Thank you for the  
7 opportunity to convey my --

8  
9 MS. WOOD: Thank you.

10  
11 MS. TRETINA: I'm sorry, Kathy. I  
12 cut off her last couple of words. I  
13 apologize. The next speaker -- and I  
14 apologize for the name mangling -- is  
15 Fionnuala Fisk.

16  
17 MS. FISK: Fionnuala, yeah.

18  
19 MS. TRETINA: Fionnuala, okay.  
20 Sorry.

21  
22 MS. FISK: Yeah, thank you. Hi.  
23 My name is Fionnuala Fisk. I am co-help  
24 [phonetic] coordinator of Sunrise Richmond.  
25 And I am commenting today to ask that permit

1 No. 19-2036 is denied. Primarily, I'll be  
2 speaking from an environmental justice and a  
3 procedural standpoint. And in particular,  
4 I'm a little bit concerned about how the  
5 Department of Environmental Quality is  
6 generally handling their EJ reviews.

7 The outreach work that has  
8 already been done is unacceptable, reaching  
9 out to only a few community members and then  
10 blaming them for not doing enough to reach  
11 the rest of the community is an abrogation  
12 of the DEQ's responsibility.

13 That's in reference to Jaime  
14 Robb's comments earlier tonight. In  
15 addition, instead of asking a third party to  
16 evaluate your programs, you could take  
17 first-line communities seriously when they  
18 tell you that this will be damaging to their  
19 community.

20 You don't need to pay white  
21 people in suits to learn how to treat  
22 historically Black communities. That group  
23 -- I looked them up -- their organization is  
24 five percent Black. I'm sorry, but this is  
25 ridiculous. DEQ needs to do a much, much



1 better job of engaging with historically  
2 Black communities if they are taking  
3 environmental justice seriously. This is  
4 not an issue that applies to all communities  
5 equally.

6 This is an issue of  
7 environmental racism. Also, I'm not really  
8 sure how a third party is expected to be  
9 able to holistically evaluate the work of  
10 DEQ if they are not able to take a look at  
11 individual projects and consider how DEQ is  
12 handling individual projects.

13 I think that this is a perfect  
14 case study for this third party to review.  
15 I don't understand why they're not being  
16 given the opportunity to.

17 I just -- I think this is, you  
18 know, this is an environmental justice  
19 community that hasn't been treated  
20 respectfully and fairly.

21 I -- I just think that's a  
22 little bit ridiculous. In addition, I have  
23 a few procedural concerns. I'm -- first of  
24 all, I find it deeply concerning that Jaime  
25 Robb said earlier tonight that she couldn't

1 think of a single example of when a permit  
2 has not been denied -- I mean, when a permit  
3 has been denied. I'm not really sure what  
4 the point of DEQ -- DEQ's existence is if  
5 there are no denials of permits.

6 I mean, like you might as well  
7 just not do anything at all. And -- and the  
8 same thing goes for why you all would not  
9 be, you know, fully reviewing the  
10 information that Wegmans is providing.

11 I mean, the community members  
12 have done all of the work of reviewing this  
13 information. And it's -- it's been great  
14 because you guys have been revising things  
15 as, you know, the community is presenting  
16 this evidence.

17 But it shouldn't be on the  
18 backs of people with full time jobs in other  
19 capacities to be doing this. So with all  
20 that being said, I do appreciate the work  
21 that you guys do.

22 But I do think, you know, it  
23 does feel a little bit like there's a lot of  
24 political pressure kind of on y'all. And I  
25 do hope that moving forward, these

1 environmental justice concerns will be taken  
2 more seriously. And also, that you all will  
3 consider denying this permit to kind of  
4 start the process of actually denying  
5 permits when they should be denied. Thank  
6 you so much.

7  
8 MS. WOOD: Thank you.

9  
10 MS. TRETINA: Our next speaker is  
11 Brian Buniva. I'm going to unmute you, but  
12 I'm not sure if you're going to be able to  
13 speak because you haven't put in a PIN  
14 number. Brian, I'm sending you a PIN  
15 number. We will come back to you.

16 The next speaker is William  
17 Spencer and I don't see him on the webinar,  
18 either. So then the next speaker is Bonnica  
19 Cotman. Bonnica, I have unmuted you. You  
20 need to unmute your mic.

21 Go ahead and speak. Bonnica?  
22 You look like your mic is working. Okay,  
23 we'll come back to you. All right. Next  
24 one is Veronica Quinley. Let's see. Yes,  
25 she is there. Veronica, you are unmuted.

1 MS. QUINLEY: Hi.

2  
3 MS. TRETINA: Hello.

4  
5 MS. QUINLEY: Hello?

6  
7 MS. TRETINA: Yes, we can hear you.

8  
9 MS. QUINLEY: Okay, good. Hi, I'm  
10 Veronica Quinley and I've lived in Foxhead  
11 for 17 years. For the past seven years,  
12 I've driven Ashcake Road from Foxhead to  
13 Ashland two to three times a week. I know I  
14 probably could make that drive in my sleep.

15 In the winter, I know all the  
16 places to look out for black ice, knowing  
17 that many places the water just does not  
18 drain well along that road.

19 I know where the water is  
20 deepest when there has been even a light to  
21 moderate rain so that I do not hydroplane.  
22 I think of driving a little differently as  
23 I'm teaching my teenage son to drive. When  
24 I've take -- when I -- I have been taking  
25 him to our church, just a little further

1 down the road where Ashcake turns into  
2 Peaks. I can take him there and feel safe.  
3 Your church should be a place you can drive  
4 up to at any point and find the peace and  
5 comfort of your place of worship, even if it  
6 is not Sunday.

7 For years, I have driven by  
8 and wondered why Brown Grove Baptist has up  
9 gates, not allowing you into their parking  
10 lot.

11 It has struck me as odd that  
12 it wasn't until this spring, when I believe  
13 it was the minister there spoke at a meeting  
14 opposing further encroachment on his church  
15 and community.

16 He spoke of having the parking  
17 lot torn up due to concrete trucks turning  
18 around in the parking lot, to the point  
19 where they had to put up gates.

20 Personally, when I give money  
21 to my church, I do so to support the church  
22 and its missions -- not to support having to  
23 replace our parking lot due to poor planning  
24 by the county and the government. I'd like  
25 -- I'd like for you to think of what issuing

1       this permit means. Our neighborhood already  
2       has flooding every time it rains. These  
3       wetlands that will be destroyed keep these  
4       rainwaters in check and balance.

5               It means to us the loss of  
6       natural habitat, the loss of the night sky  
7       due to the light. Loss of peace, as this is  
8       a 24/7 operation with non-stop back-up  
9       beeping and tractor trailer noise and  
10      lights.

11             I'd like you to think of the  
12      injustice already impacting the community of  
13      Brown Grove, a fortified church not even  
14      open to its community thanks to the supposed  
15      development.

16             This project is not in keeping  
17      with the community and is the wrong project  
18      for this piece of land. It will cause harm  
19      to where so many families live, including  
20      mine, and to the wetlands and habitats that  
21      should be left alone.

22             Because it's clear there are  
23      better alternative sites for this project.  
24      For this reason, I would request that you  
25      deny the permit. Thank you.

1 MS. TRETINA: Okay. We'll go back  
2 to Brian Buniva. He seems to have resolved  
3 his audio issues. Brian?

4  
5 MR. BUNIVA: Yes, I'm --

6  
7 MS. TRETINA: You are unmuted.

8  
9 MR. BUNIVA: I'm here. Can you  
10 hear me?

11  
12 MS. TRETINA: Okay. Yes, we can.  
13 Thank you.

14  
15 MR. BUNIVA: All right. I'm sorry.  
16 I got bumped off for some reason. My name  
17 is Brian Buniva. I'm an attorney and I  
18 represent several of the people that have  
19 already spoken.

20 And I must tell you, just  
21 listening to them -- particularly Mr. Morgan  
22 and the Bloes family and Ms. Woodcock and  
23 Chris French -- I am very, very proud to  
24 represent them. Just as I have earlier in  
25 my career been very, very proud to represent

1 the State Water Control Board and the  
2 predecessor of the Department of  
3 Environmental Quality when I first started  
4 practicing law in the Attorney General's  
5 Office almost 4 years ago.

6 I am a lifelong environmental  
7 law attorney and have represented the State.  
8 I've represented local governments. I've  
9 represented individuals, I've represented  
10 corporations, all dealing with environmental  
11 stuff.

12 There -- there are powerful  
13 forces that are pushing for this site. The  
14 governor and the county see this project as  
15 an economic development engine, and it may  
16 well be.

17 Wegmans wants the cheapest  
18 site it can find, so that it can -- can  
19 improve its supply chain. And it was told  
20 by the local government and State government  
21 representatives, who are pushing this site,  
22 that it was a done deal.

23 That there would be -- that  
24 they would get their re-zoning and they  
25 would get their permits. And there's myriad



1 examples of that in internal emails back and  
2 forth among the local government and State  
3 government and so on, including DEQ.

4 Airpark is really owned by  
5 several law partners at the Hirschler  
6 Fleisher law firm, which is one of the most  
7 prominent land use development law firms in  
8 the state.

9 And they've held this property  
10 for 25 years. Their motivation is simply to  
11 make a profit on their investment. But none  
12 of these forces have the responsibility that  
13 DEQ does and that the State Water Control  
14 Board has.

15 And those responsibilities  
16 range from insuring environmental justice is  
17 properly applied and -- and communities of  
18 color are properly engaged in the process.

19 The engagement of the  
20 environmental justice community was one  
21 meeting, to my knowledge, conducted -- I  
22 believe -- in February of this year. Where  
23 they were told by representatives of Airpark  
24 and Wegmans that this was a done deal. That  
25 this is what was going to happen, there's

1 nothing that could be done about it. And  
2 frankly, as I understand the history of  
3 Brown Grove, they've been told that before  
4 and it has turned out that way.

5 And -- and that is just simply  
6 not complying with Code Section 2.2-2699 of  
7 the -- and 22 -- 2.2-235, which define  
8 environmental justice as the meaningful  
9 involvement of -- of all people, whereby no  
10 group of people bears a disproportionate  
11 share of any negative environmental  
12 consequences resulting from an industrial,  
13 governmental or commercial operation program  
14 or policy.

15 It's the responsibility of DEQ  
16 and the State Water Control Board to -- to  
17 not just hire a study -- a group to study  
18 and tell us how to do it.

19 It's your responsibility to  
20 actually do it, to be actively involved in  
21 bringing in people who are going to be  
22 adversely impacted by this project. And  
23 asking them, how can we make this work or  
24 can we make it work? And that's really the  
25 question. I'm not going to repeat what has

1       been so eloquently stated to -- simply to  
2       say this. How do you go from a drought-  
3       based wetlands delineation performed by the  
4       developer's consultant in 2019 -- which  
5       showed a total of, I think, almost 35 acres  
6       of wetlands on the site down to only 6.2  
7       that are impacted.

8               Then go back up when the error  
9       of that delineation is pointed out. And the  
10      landowner restricts the Corps -- and the  
11      Corps accepts the restriction -- to come  
12      back on the property and look at these --  
13      these mosaics which under-counted by 90% in  
14      one area and 70% in the other area,  
15      wetlands.

16             Non -- I mean, non-tidal,  
17      jurisdictional wetlands. So that then goes  
18      up to 15 and ignores all of the rest of the  
19      issues with respect to the wetland  
20      delineation that was pointed out by Chris  
21      French and others that have spoken before  
22      you and -- and Brett Blose. How do you do  
23      that? How can you simply rely on self-  
24      interested parties who have demonstrably  
25      provided your agency with incorrect,

1       inaccurate information and accept it? You  
2       can't do that and fulfill your duty to  
3       protect the environment, which I was proud  
4       to be a part of doing for many years in the  
5       Attorney General's Office.

6  
7               MS. WOOD: Mr. Buniva. You're at  
8       five minutes.

9  
10              MR. BUNIVA: Yes.

11  
12             MS. WOOD: I'd ask you to wrap it  
13       up, please.

14  
15             MR. BUNIVA: I am at five minutes.  
16       My goodness.

17  
18             MS. WOOD: Five and a half if you  
19       want to be specific.

20  
21             MR. BUNIVA: Well, I -- I certainly  
22       will respect that. I just want to -- to  
23       close with this. There are practical  
24       alternatives. You have been misrepresented  
25       with that in terms of the cost of it. This

1 Archie Cannon site -- just call the planning  
2 director of Ashland and find out that it's  
3 been misrepresented to you. Please do that.  
4 Please search for the truth. Please do  
5 that.

6 And if you do that, you will  
7 not be -- in good conscience -- able to  
8 grant this permit. Please help this  
9 community survive from this onslaught. We  
10 do not oppose Wegmans. We oppose this site  
11 for the Wegmans' project. Thank you very  
12 much, and I'm sorry I went over time.

13  
14 MS. WOOD: Thank you.

15  
16 MS. TRETINA: All right. We're  
17 going to go back to Bonnica Cotman to see if  
18 she can -- Bonnica, you have -- your phone  
19 is muted, so unmute your phone and --

20  
21 MS. COTMAN: Okay. Can you hear  
22 me?

23  
24 MS. TRETINA: Yes, we can.  
25

1 MS. COTMAN: Praise the Lord.

2 Thank you so much. I'm going to actually  
3 put this on speaker phone because I -- I  
4 need to reference to my phone. I wanted to  
5 -- my name, as you -- as you said, I'm a --  
6 I'm 49 years old.

7 I've lived in the Brown Grove  
8 community my entire life. I am a -- a  
9 descendent of Caroline Morris, who is known  
10 as the mother of Brown Grove. I want to  
11 read you guys something.

12 This is the obituary for my  
13 great, great grandmother. It says -- and  
14 this was in the newspaper. It says, aged  
15 negro dies at Brown Grove. She is survived  
16 by 166 descendents.

17 Mrs. Caroline Morris, 98-year-  
18 old widow of Jeff Morris, who has lived  
19 since her birth near Brown Grove in Hanover  
20 County, died last Monday. She is survived  
21 by 166 descendents.

22 And it goes on to state -- it  
23 lists -- talks about all of her -- her  
24 children. And then it says, she is survived  
25 by 55 grandchildren, 100 great grandchildren

1 and one great, great grandchild. And I say  
2 that -- I read that in order to -- to let  
3 you guys know that there are lives here in  
4 Brown Grove -- in the Brown Grove community.  
5 We are real people with real roots to this  
6 community.

7 Our ancestors are woven into  
8 the soil of the Brown Grove community. And  
9 Brown Grove may not mean much to other  
10 people, but it means the whole world to us  
11 that live here.

12 Back during the period of  
13 Reconstruction, the former slaves were --  
14 you know, they chose to settle near the  
15 plantations where they once was forced to  
16 serve their masters.

17 And that was because they  
18 wanted to be near what they called home, so  
19 that their children who were sold off, their  
20 -- their -- all of their loved ones that  
21 were sold off would -- everyone would be  
22 able to find one another. The children  
23 would come back to the plantations where  
24 their -- they last known their parents to  
25 be. Or the husband or wife would come back

1 to the plantation where they once known that  
2 their spouse used to be. So Brown Grove is  
3 not just a -- a community of people who are  
4 not connected, who don't really know each  
5 other. Most of us are related.

6 And you know, when I hear  
7 someone talk about we've met with Brown  
8 Grove. I know Wegmans stated that they met  
9 with Brown Grove. That was very deceiving.

10 And when they said that -- I  
11 was at the meeting that they said was the  
12 meeting where they actually met with Brown  
13 Grove. I was at that meeting. I met with  
14 three people.

15 I know Dan Aiken [sp] was one  
16 of them and I can't think of the other two  
17 gentlemen's name. But the other four people  
18 attended Brown Grove Church, but they did  
19 not live in the Brown Grove community at  
20 all.

21 So you did not meet with --  
22 Wegmans did not meet with Brown Grove. They  
23 actually met with me, Bonnica Cotman. And I  
24 do not represent the whole community. I had  
25 no idea that I was charged with going back



1 to the community to say this is what's --  
2 what's happening. This is what's going on.  
3 This meeting was called last minute. I was  
4 called the morning of the meeting to say,  
5 hey, Wegmans is about to fly out of town.

6 Because they had came here for  
7 a really big meeting that we had at the  
8 middle school over on 301. This was back in  
9 February.

10 I was not -- I was just called  
11 last minute by Reverend Beechaum to say,  
12 hey, these people want to -- to meet with  
13 some people from the church. And that's all  
14 they said.

15 And I was one of the people  
16 that happened to be picked. And I -- I'm  
17 the only one that lives in the community.  
18 So I mean, how can they -- how can they say  
19 they met with the community?

20 I myself have not received a  
21 package from DEQ. I also have not received  
22 one for US Army Corps of Engineers, so I  
23 don't know what's going on with my address  
24 on the list of people. And I'm adjacent --  
25 an adjacent property owner. So I should've

1 received the list -- a notification. Also,  
2 the folks that are not adjacent property  
3 owners, they weren't even contacted.

4 Like you know, I know -- I  
5 once heard it said on one of these other  
6 comment calls that they're not even require  
7 to contact them because they're not adjacent  
8 property owners.

9 So I'm not -- you know, it's  
10 -- it's like the engagement with the  
11 community has been very poor. I would say  
12 that there is no engagement with the  
13 community.

14 You -- you know, it's not like  
15 -- you know, it's like we're a check mark.  
16 You know -- and you know, because it -- it  
17 says that, you know, it's very rare that an  
18 applicant is denied a permit is very  
19 disheartening.

20 I mean, that just breaks my  
21 heart because it's like we have no fighting  
22 chance when it comes down to this. So I  
23 don't even know the purpose of having a  
24 comment period if our comments are going to  
25 be disregarded in the first place. It's --

1       it's -- I'm just not -- I don't -- I don't  
2       know, you know, like why we're going through  
3       all of this. I am hoping, by the grace of  
4       God, that somebody who is -- who is  
5       listening to these comments will hear us.

6                Because we are -- are people  
7       here. Please don't let our community be  
8       decimated by a large distribution center.  
9       Wegmans is not -- you know, we -- we belong  
10      here in the community.

11               We have been overpowered by  
12      all of these industrial businesses around  
13      us. Now Wegmans wants to come in. It's  
14      like the -- between the -- it's the Airpark  
15      and Hanover County Board of Supervisors, we  
16      don't have a fighting chance.

17               It's like we're a dumping  
18      ground for businesses here, for industries.  
19      We've got concrete plants, you know, truck  
20      stops, landfill.

21               We also have an unofficial  
22      junk yard or scrap yard that somebody's  
23      using that we've been trying for the longest  
24      time to get this guy to clean up this mess.  
25      And it's been three years since it -- it's

1       been like that. So I mean, we have no --  
2       you know, we just don't have a fighting  
3       chance.

4                   I don't know -- I don't know  
5       what else to say because, I mean, everything  
6       that I'm hearing is, you know, we're -- you  
7       know, where is -- who is the person who --  
8       or what agency with the State are the ones  
9       who say, okay, we're going to stop any kind  
10      of -- any more businesses in this community  
11      because they have been overburdened with --  
12      with stuff over the past 50-60 years.

13                  Like who speaks up for us  
14      other than ourselves? Like who -- what  
15      agency within the State of Virginia -- we  
16      know the governor's not speaking up for us.

17                  We know our local government  
18      is not speaking up for us. So who speaks up  
19      for us other than ourselves? How are -- how  
20      are we to survive?

21  
22                  MS. WOOD: Ms. Cotman. Ms. Cotman,  
23      I'm going to ask you -- I need to ask you to  
24      wrap it up, please.

1 MS. COTMAN: Okay. I am a  
2 descendent of Caroline Morris. I am also a  
3 descendent of -- excuse me, Issha [sp]  
4 Morris and Sally Morris, who were her  
5 parents. So that's all I have to say and I  
6 thank you for the opportunity.

7  
8 MS. WOOD: Thank you.

9  
10 MS. TRETINA: Our next registered  
11 speaker is Carolyn Blake. Carolyn, you are  
12 unmuted. You can unmute your mic.

13  
14 MS. BLAKE: Can you hear me?

15  
16 MS. TRETINA: Yes, we can.

17  
18 MS. BLAKE: Yes. My name is  
19 Carolyn Blake. And I've been here in Brown  
20 Grove area all -- all my life. I was born  
21 and raised around here.

22 And Caroline Morris, I am her  
23 great, great granddaughter. And my property  
24 is all the way down on Egypt Road at the  
25 dead end. And if Wegmans would come through

1 here, they would be on all three sides of  
2 me -- in the back, the left and the right.  
3 And I also have water, it's on both sides of  
4 me.

5 And I -- my -- where my  
6 property at is it -- you know, I'm on the  
7 low -- the low part. And it -- you know, if  
8 Wegmans come and all that water will come --  
9 come through here, my house going to be  
10 over-floated.

11 It's -- it's flooded now  
12 around my house. And I can't -- my house  
13 can not stand no more water around it. And  
14 -- and [unintelligible] I have breathing  
15 problems.

16 I've had breast cancer. You  
17 know -- you know, we -- I -- I disagree with  
18 Wegmans coming over here. I -- I really do.  
19 And if you can devoid their license, I -- I  
20 appreciate it. And that's all I have to  
21 say.

22  
23 MS. WOOD: Thank you, ma'am.

24  
25 MS. TRETINA: Our next registered

1 speaker is Melvinia Wilson. And I probably  
2 have mispronounced her name. Hold on, let  
3 me get her -- okay. You are unmuted. It's  
4 open. You're unmuted. You've got some  
5 feedback going on.

6  
7 MS. WILSON: [inaudible].  
8

9 MS. TRETINA: We can't hear you.  
10 No, we can't -- we can't hear you. Barely  
11 -- you've got feedback. You must have two  
12 audio. Okay, can you speak now?

13  
14 MS. WILSON: [inaudible].  
15

16 MS. TRETINA: We can barely hear  
17 you, but there's a lot of feedback in your  
18 --  
19

20 MS. WILSON: Okay, I apologize for  
21 that. My name is Melvinia Wilson and I am a  
22 resident of Hanover County in the Brown  
23 Grove community. I first would like to give  
24 honor to my grandmother [inaudible] who was  
25 born in [inaudible].

1 MS. TRETINA: Ms. Wilson, we're --  
2 we -- we really can't hear you.

3  
4 MS. WILSON: [inaudible].

5  
6 MS. TRETINA: Ms. Wilson, we'll  
7 come back to you. The best thing -- the  
8 best thing for you to do is -- are you --  
9 are you using headphones or are you just  
10 using straight computer sound?

11  
12 MS. WILSON: I actually have a  
13 tablet. And the volume is completely turned  
14 up, so I don't know --

15  
16 MS. TRETINA: On the -- on the  
17 tablet, can you go into your -- your  
18 webinar's control and select phone and then  
19 dial that number with your cell phone?

20  
21 MS. WILSON: [inaudible] but I  
22 could not access it.

23  
24 MS. TRETINA: On the tablet, oh.



1 MS. WILSON: Uh-uh, on the -- on my  
2 phone [inaudible].

3  
4 MS. WOOD: Marilee, can you give  
5 her a phone number to call?

6  
7 MS. TRETINA: She's -- we won't be  
8 able to -- I won't be able to unmute her if  
9 she just calls in on the phone and she's not  
10 on the webinar.

11  
12 MS. WILSON: [inaudible] you can't  
13 hear me at all?

14  
15 MS. TRETINA: Okay, tell -- no, we  
16 -- it's -- it's a lot of feedback in there.  
17 So please call Kevin Vaughan, if you can  
18 hear this number, it's 804-698-4470. Call  
19 him and let him help you with this. Okay?

20  
21 MS. WILSON: Okay, thank you very  
22 much.

23  
24 MS. TRETINA: Uh-huh, okay. So our  
25 next registered speaker is Maxwell Cloe.

1 And Maxwell, you are unmuted.

2  
3 MR. M. CLOE: Hello, can you hear  
4 me?

5  
6 MS. TRETINA: Yes, we can. Very  
7 clearly.

8  
9 MR. M. CLOE: Awesome. All right.  
10 So, hello. My name's Maxwell Cloe. I'm a  
11 resident of Forest Lake Hills neighborhood.  
12 I've lived here for more than 20 years. And  
13 I'm 22 years old, so that's my entire life.

14 There's a couple concerns I  
15 have, I'm respectfully asking that the DEQ  
16 suggest the denial of this permit to  
17 Wegmans.

18 I'll bring up two issues  
19 specifically along with all of the other  
20 issues that everyone else has very  
21 eloquently listed.

22 The first of these issues,  
23 which I won't harp on for too long because  
24 it's already been talked about, is the idea  
25 of the least environmentally damaging

1 practicable alternative. Very clearly, as  
2 everyone has illustrated, the Airpark site  
3 is simply not the LEDPA, not in any way  
4 whatsoever.

5 So I request that the DEQ and  
6 the Army Corps of Engineers and the Virginia  
7 Water Quality managing board, they all take  
8 another look at that Archie Cannon site and  
9 re-evaluate what's going on over there.

10 The second issue that I'm  
11 particularly interested in speaking about  
12 today is the idea of the archeological  
13 evidence of graves and schools and all sorts  
14 of things on the Airpark site.

15 So I'm a historian and I would  
16 like to speak to the -- the historical and  
17 archeological missteps that have occurred in  
18 the assessment of this property.

19 As many residents of the Brown  
20 Grove community and many others here have  
21 noted today, the area in which the Wegmans  
22 Distribution Center will appear is at the  
23 grave site of numerous, formerly enslaved  
24 people whose descendents -- very clearly --  
25 still live in the area. Now there were

1 previously archeological -- a previous  
2 archeological survey found no such grave  
3 sites in the area. Ellen Holley noted in an  
4 article in the Richmond Times Dispatch that  
5 the previous studies have been very limited  
6 in scope.

7 And they simply didn't talk  
8 with the members of the Brown Grove  
9 community whose oral histories are essential  
10 to this -- to the study of the area.

11 In a related 1992 Department  
12 of Historic Resources survey of Hanover  
13 County, it was noted that slave cemeteries  
14 were a part of the wetland and Hickory Hill  
15 plantations, and they didn't contain grave  
16 markers, either.

17 They were identified only by  
18 the presence of periwinkle and an oral  
19 tradition that was passed down through the  
20 property owner's family. Much like in the  
21 Brown Grove Airpark area.

22 Now the Brown Grove community  
23 was originally made up of freedmen from  
24 these nearby plantations, meaning that the  
25 oral history of this region is likely the

1       only and major reliable source for the  
2       presence of the graves in this area. Now,  
3       to grant Wegmans the permit without  
4       conducting a more thorough and proper oral  
5       history and archeological investigation of  
6       the area would like result in the  
7       destruction of a place which historical --  
8       has historical significance on local, state  
9       and national levels.

10               So in my professional opinion,  
11       I think it would be a misstep to grant this  
12       permit. And I, again, respectfully request  
13       that the permit is denied. Thank you.

14  
15               MS. WOOD: Thank you.

16  
17               MS. TRETINA: Okay, while  
18       Ms. Wilson is working out her audio issues,  
19       we have a couple of additional speakers.  
20       The first one is -- I'm going to butcher  
21       this name again, probably, Ankur Bhaskar.  
22       You are unmuted. You need to unmute your  
23       mic.

24  
25               MR. BHASKAR: Here we go. Can you

1           hear me well?

2  
3                   MS. TRETINA:   Yes, we can hear you.  
4           Sorry for butchering.

5  
6                   MR. BHASKAR:   It's okay.   Hello, my  
7           name is Ankur Bhaskar and I'm with Sunrise  
8           RVA.   Like many of my peers in the same  
9           group who spoke during the last meeting  
10          regarding this project on July 20th, I am  
11          against the building of this distribution  
12          site for Wegmans.

13                   To build anything on unmarked  
14          slave burial grounds, given the painful  
15          history that African-Americans in this  
16          country have had to face -- starting with  
17          slavery in this very state when the first  
18          ship arrived in Jamestown, to Jim Crow to  
19          segregation and now today with the social  
20          unrest that we've seen gone on, is an insult  
21          to the community in Brown Grove.

22                   To build this complex in this  
23          area, for many, is the closest thing to  
24          their ancestral history they've had unlike  
25          most people in this country, who are

1 privileged to know their roots.

2 Additionally, as cited in the Richmond  
3 Times-Dispatch article in July, it's not  
4 just, you know, much of the Brown Grove  
5 community -- or most of the Brown Grove  
6 community in Hanover and Brown Grove who  
7 will -- who have such grievances with this  
8 project.

9 Many in, you know, white  
10 suburban neighborhoods are speaking out on  
11 -- against this project due to the grave  
12 potential health risks as mentioned here  
13 tonight, including the damage done to the  
14 wetlands. Some of it maybe permanent.

15 In addition to the drinking  
16 water, Elizabeth Guzman and CGO-31, has  
17 written a letter urging the rejection of  
18 this permit which, if allowed, I can link  
19 below right here. And has invited the DEQ  
20 to speak to her office further. So that's  
21 all I have for comments. Thank you.

22  
23 MS. WOOD: Thank you.

24  
25 MS. TRETINA: We have another

1 additional speaker, Robin Payne. Robin, you  
2 are unmuted. You need to unmute your mic.  
3 Robin, are you -- your microphone is self-  
4 muted. So you need to unmute it.

5 Okay. I don't know if she's  
6 going to be able to offer comment if I can't  
7 get her unmuted. Robin, if you're having  
8 audio issues, you can contact Kevin Vaughan.

9 That's on the screen, his  
10 contact information. Okay, I know that  
11 Kevin is also working with Melvinia, trying  
12 to get her audio working. If we could hold  
13 on a couple minutes, Heather.

14  
15 MS. WOOD: Yeah, that's fine.  
16 That's fine. I was going to ask you if you  
17 could tell if he's actively engaged with  
18 her.

19  
20 MS. TRETINA: He is.

21  
22 MS. WOOD: Okay. We can -- we can  
23 take a little bit of a break while they try  
24 to work that out.  
25



1 MS. TRETINA: Okay.

2  
3 MS. WOOD: Let's -- let's regroup  
4 in another 10 minutes. How about that?

5  
6 MS. TRETINA: Okay.

7  
8 (The virtual public hearing went off the  
9 record at 9:06 p.m., and resumed at 9:12 p.m. The  
10 taking of oral comments resumed as follows:)

11  
12 MS. TRETINA: Okay.

13  
14 MS. WILSON: Okay, good evening.

15 My name is Melvinia Wilson and I am a  
16 resident of Hanover County in the Brown  
17 Grove community.

18 I first would like to give  
19 honor to my grandmother, Mrs. Nannie Lewis,  
20 whose birthday is today. She was born in  
21 1922. And to all of the ancestors who lived  
22 in the community, especially Momma Caroline  
23 Dobson Morris -- my great, great  
24 grandmother. I submit the following  
25 comments in reference to the Virginia Water

1 Protection permit and request that this  
2 permit application be denied. The permit  
3 would allow Wegmans Food Markets,  
4 Incorporated, to permanently impact many  
5 acres of wetlands located south of Ashcake  
6 Road and east of Egypt Road in Hanover  
7 County.

8 Based upon the issues  
9 discussed this evening, I vehemently request  
10 that the DEQ and the State Water Control  
11 Board deny Wegmans' request because its  
12 construction and operation will severely  
13 impair the waters and resources of the  
14 wetlands.

15 Wegmans is a \$9.7B revenue  
16 company located in New York -- which is its  
17 headquarters -- in Pennsylvania,  
18 Massachusetts and New Jersey. It is seeking  
19 to construct 1.7M-foot distribution center  
20 to grow their existing revenues in the  
21 southeast.

22 The food stores are marketed  
23 toward the elite, with grand piano  
24 renditions playing while shopping in the  
25 international stations and restaurants

1 within their food facilities. The cost of  
2 their food products and delicacies are  
3 extremely expensive to me and probably to  
4 most of the Brown Grove community.

5 It would be a tremendously  
6 insulting destruct to the Brown Grove  
7 community to build a facility to distribute  
8 high cost foods and delicacies that Brown  
9 Grove could not afford to purchase.

10 And even greater, transport  
11 those products leading -- leaving gas fumes,  
12 noise pollution from over 100 transport  
13 trucks and cars.

14 This activity would be  
15 constant, 24 hours a day, seven days a week,  
16 and within 25 feet of my home and other  
17 homes in the community.

18 This horror will be towering  
19 six stories high, consuming most of the  
20 forestry for fresh air and wetlands I  
21 believe have already deemed protected by the  
22 federal government. Brown Grove is already  
23 bearing the cross of industrial development  
24 that has been sanctioned by the State of  
25 Virginia. A study was done by Virginia Tech

1 and Virginia State University in 1972.  
2 According to the internet archives, that  
3 Title V of the Rural Development act of  
4 1972, whereby Virginia has provided -- or  
5 has been providing funding for venture  
6 capitalist companies to build buildings and  
7 roads.

8 They have used the Small  
9 Business Administration funding for small  
10 businesses from the federal government,  
11 private foundations, investors, banks.

12 And I see New Kent  
13 Environmental Bank is one of them. And  
14 insurance companies to develop state  
15 development authorities.

16 And these authorities carry  
17 public corporate authority which utilizes  
18 State tax dollars for these type of  
19 activities.

20 Brown Grove certainly has paid  
21 more than their share of taxes for over 150  
22 years, if they've owned land as well as  
23 other state taxes, with no benefit of  
24 receipt of business funding or even the  
25 pavement -- paving of roads. State

1 development authorities are utilized to  
2 expand industry by standard industrial  
3 classification, or what we call SIC codes,  
4 and preferred new business.

5 This type of funding has been  
6 available for such projects like Wegmans,  
7 the epitome of this process. However, our  
8 community and communities like ours have too  
9 often beared the cross of environmental  
10 poisons and toxic waste from industrial  
11 development.

12 Which is actually a global  
13 problem for poor, under-served, under-  
14 represented communities. The Brown Grove  
15 community has never actualized any such  
16 funding for any businesses or business plans  
17 for the past 150 years, and has never  
18 received any compensation for the continual  
19 attacks upon our community including  
20 Interstate 95.

21 With initially splitting the  
22 community and constant noise from traffic,  
23 no sound walls have been constructed within  
24 the areas where our families live. The  
25 Hanover County Airport and all the airplane

1 exhaust and noise with landing fields and  
2 splitting our communities with flying over  
3 homes and gardens. The landfill, which has  
4 caused flooding, constant dust and mud and  
5 gas fumes from transport trucks.

6 And from CP&P Concrete -- and  
7 it used to be Americast [unintelligible]  
8 with constant drilling underground, shifting  
9 the ground.

10 Transport vehicles with slate  
11 dust and increased flooding after rains.

12 We, as a community, do not agree to any  
13 additional attacks on our environment.

14 Brown Grove is our home and  
15 the land of our ancestors. And according to  
16 the just principles and spiritual  
17 guidelines, we are entitled to equal  
18 protection from environmental harm and risk.

19 An attack, regardless of race,  
20 color, national origin or income. I will be  
21 forwarding more detailed letter to the DEQ  
22 in regards to this. Thank you very much.

23  
24 MS. WOOD: Thank you. And thank  
25 you hanging in there with us while we got

1 the -- got the audio straight.

2  
3 MS. WILSON: Thank you for being  
4 patient.

5  
6 MS. TRETINA: And I have to  
7 actually give Kevin Vaughan thanks, too.  
8 Because he helped her behind the scenes.

9  
10 MS. WILSON: Yes, please. Thank  
11 you.

12  
13 MS. TRETINA: Yes. Okay, we have  
14 -- let's try Robin Payne one more time.  
15 Robin, I have unmuted you. Your mic is  
16 still showing muted -- self-muted.

17 I don't see that you reached  
18 out to Kevin Vaughan. I don't see any other  
19 hands being raised. Ms. Wood?

20  
21 MS. WOOD: Okay. If -- I would  
22 encourage Ms. Payne, if she's got written  
23 comments, that she can go ahead and email  
24 those to Jaime Robb. And they'll be added  
25 to the record. I want to thank everybody,

1 the members of the public, that took time  
2 out of their busy schedules today to provide  
3 comment to the Board.

4 I'd like to thank Virginia DEQ  
5 for continuing to try to navigate this new  
6 normal that we find ourselves in and all the  
7 work that the staff has done.

8 Not only with the continued  
9 review of this permit application, but also  
10 all of the logistics that go in -- and that  
11 are involved with -- with having these  
12 public hearings.

13 And with that, I will close  
14 the hearing for November 19th, 2020. And  
15 look forward to hearing more about this at  
16 our future meetings. Thank you.

17  
18 (The virtual public hearing concluded at  
19 9:23 p.m.)  
20  
21  
22  
23  
24  
25



1 CERTIFICATE OF THE COURT REPORTER  
2

3 I, Debroah Carter, hereby certify that I  
4 was the Court Reporter at the VIRTUAL PUBLIC  
5 INFORMATIONAL BRIEFING AND PUBLIC HEARING regarding  
6 WEGMAN FOOD MARKETS, VWP No. 19-2036, heard in  
7 Richmond, Virginia, on November 19th, 2020, at the  
8 time of the virtual public informational briefing and  
9 public hearing herein.

10 I further certify that the foregoing  
11 transcript is a true and accurate record of the  
12 testimony and other incidents of the virtual public  
13 informational briefing and public hearing herein.

14 Given under my hand this 27th of November,  
15 2020.

16  
17 

18 \_\_\_\_\_  
19 Debroah Carter, CMRS, CCR  
20 Virginia Certified  
Court Reporter

21 My certification expires June 30, 2021.  
22  
23  
24  
25